

P R E F A C E .

1. The revision of the Manual of Government Orders has been rendered necessary by the creation of a new department of the Government to deal with industries, and the opportunity has been taken to bring the orders up to date and to condense and codify them, as far as possible.

2. Since the publication of the existing manual in 1902, the Educational Code and the Medical Manual have been issued, the orders relating to the police have been revised and rearranged, and many orders now contained in the manual have been inserted in the Civil Service Regulations. Orders which find a place in other manuals have been omitted from the present edition, and reference should be made to those manuals when necessary. It has also been decided to exclude from the manual, as a general rule, declarations of policy which explain in certain cases the reasons for orders issued : if information regarding them is required, the original orders should be consulted.

3. The present edition has been divided into three volumes for convenience in handling. The first two volumes contain orders which are of frequent application ; the third volume consists of appendices and contains rules, statements, and the like, which necessarily find a place in the manual, but to which only occasional reference is made. The index is printed at the end of the second volume.

4. The paragraphs in the present manual have been numbered, and in order to facilitate reference the various sections corresponding with the several departments of the Government begin with the number 1, i.e. 1, 101, 301, 601, and so on. The blank numbers at the end of each section will be utilised for the orders on any new subject which may be issued from time to time.

5. The distribution list of the manual has been revised, and the number of copies now supplied to districts will allow of one copy being placed in each sub divisional officer's court and in all tahsils.

6. It has come to notice that the instructions issued on correction slips regarding corrections to be made by hand are frequently disregarded, the idea of the clerk making the correction being, apparently, to retain some record of the authority for the alteration. To obviate this difficulty the Superintendent of the Government Press has been instructed to supply to all heads of offices an extra copy of each correction slip which should be placed in a guard book and filed.

7. The revision of the manual has been carried through by Mr. W. Gaskell, I C. S., and it is hoped that the great care he has given to the work has made the book easier to refer to, handier and more complete.

ALLAHABAD :
The 25th March 1911. }

J. W. HOSE,
Chief Secretary.

CONTENTS.

I.—REVENUE AND SCARCITY DEPARTMENT.

CHAPTER.	PARAGRAPHS.
I.—Revenue powers	1—13
II.—Boundaries—	
Provincial	14—27
Native states	28—32
District	33—34
III.—Acquisition and relinquishment of land	35—37
IV.—Alienation and grant of state lands and assignments of revenue—	
Alienation of state lands	38—42
Grants of land and assignments of land revenue	43—46
Lapse and continuance of grants	47—53
V.—Superintendents of government gardens	54—61
VI.—Miscellaneous—	
Orphans and foundlings	62—66
Sale of immovable property in Oudh	67
Crop and weather reports	68—71
Meteorology	72—77
Trigonometrical survey stations	78—84

II.—APPOINTMENT DEPARTMENT.

VII.—The provincial civil services—	
General instructions	101—102
Deputy collectors	103—135
Subordinate judges and munsifs	136—150
The provincial services and posts reserved for the covenanted civil service	151—157
VIII.—Cantonment magistrates	158—161
IX.—Assistant surgeons	162—168
X.—Leave—	
General rules	169—177
Privilege leave	178—180
Furlough	181—182
Medical leave	183—186
Casual leave	187—194
XI.—Miscellaneous orders—	
Definitions of “gazetted officer” and “civil surgeon”	195—196
Extension of service of gazetted officers	197
Inspector-General of Police	198
Emoluments of settlement officers	199—200
Deputation allowances	201
Employment of Europeans	202—209
Reports on officers	210—212
Deaths of officers	213—215
Procedure on transfer	216—217
Charge certificates	218—220
Rules regarding the stay of certain officers in the hills during the hot weather and rains	221—230

III.—GENERAL ADMINISTRATION DEPARTMENT.

CHAPTER.	PARAGRAPHS.
XII.—Government servants' conduct rules—	
General rules	301—323
Subsidiary rulings	324—331
XIII.—Subordinate officials—	
General conditions of employment	332—353
Certificates and character rolls	354—367
Punishment	368—377
Miscellaneous	378—379
XIV.—Rules regarding courts and offices—	
Hours of business	380—384
Court language	385—386
Use of English figures	387—388
XV.—Correspondence, circulars, reports and returns—	
Classification of correspondence	389—390
Method of correspondence	391—411
Circulars and notices	412—413
Reports, returns and reviews	414—433
XVI.—Tours of officers—	
General instructions	434—440
Rules regarding the hiring of carts	441—443
Rules regarding supplies	444
XVII.—Orders relating to the Army—	
Provision of carts for troops on the march	445—455
Transport on mobilization	456
Provision of supplies for troops on the march	457—465
Shooting parties of British soldiers	466—472
Recall of native troops from leave on mobilization	473—475
Miscellaneous	476—481
XVIII.—Printing presses	482—491
XIX.—Memorials—	
To the Local Government	492—502
To the Government of India	503—515
To the House of Commons, the Secretary of State for India, and His Majesty the King-Emperor	516
XX.—Charitable endowments	517—532
XXI.—Miscellaneous—	
Relations of heads of departments and departmental officers with Commissioners and Magistrates	533—534
Memorandum of district officer when transferred	535—537
Residences of officials	538—543
Volunteers	544—547
Medals	548—551
General	552—563

IV.—POLITICAL DEPARTMENT

XXII.—Certificates of identity and passports—	
Certificates of identity	601—606
Passports	607—638
XXIII.—Hajj and Mecca	639—649

CHAPTER.	PARAGRAPHS.
XXIV.—Native states and Native Chiefs—	
Native states	650—662
Native Chiefs	664—681
XXV.—Levés and darbars—	
Levees	682
Darbars	683—707
XXVI.—Dress regulations	708—711
XXVII.—Political pensions	712—718
XXVIII.—Titles	719—721
XXIX.—Memorials from persons in the political charge of the Local Government	725—735
XXX.—Miscellaneous	736—742

V.—MEDICAL DEPARTMENT.

Blank.

VI.—JUDICIAL (CRIMINAL) DEPARTMENT.

XXXI.—Jurisdiction—	
Sessions divisions	801—802
Divisions of districts	803
XXXII.—Magisterial powers	804—808
XXXIII.—Honorary or (special) magistrates	809—814
XXXIV.—Procedure for the prosecution and trial of certain persons and certain classes of cases—	
Cases in which soldiers are concerned	815—831
„ „ public officers „	832—833
„ „ police officers „	834—835
Other cases	836—842
XXXV.—Orders regarding the investigation of complaints and charges—	
Cases in which soldiers are concerned	843—845
Miscellaneous orders	846—850
XXXVI.—Confessions and dying declarations	851—857
XXXVII.— <i>Post-mortem</i> examinations and references to the Chemical Examiner—	
<i>Post-mortem</i> examinations	858—867
Transmission of substances for analysis to the Chemical Examiner	868—886
XXXVIII.—Public prosecutors	887—891
XXXIX.—Jurors, assessors and witnesses	892—905
XL.—Delays in case work	906—907
XLI.—Under-trial prisoners	908—917
XLII.—Punishments—	
Fines	918—919
First offenders	920
Whipping	921—925
Simple imprisonment	926—927
Habitual criminals	928—929
Solitary confinement	930
Miscellaneous	931—938

CHAPTER	PARAGRAPHS
XLIII.—Applications and appeals to the High Court—	
Applications for bail	939
Applications for transfer of criminal cases	940
Appeals and applications for revision	941—942
XLIV.—Administration of jails	949—962
XLV.—Conditional release of convicts—	
Remission rules	963—964
Surveillance of convicts conditionally released	965—987
Transmarine convicts	989—990
XLVI.—Capital punishment	991—992
XLVII.—Absconded and fugitive offenders—	
Arrest of offenders at Aton	994
Fugitive offenders	995—996
Attached property of absconded offenders	999
XLVIII.—Extradition—	
From British territory to native states	1000—1008
From Native States to British territory (general)	1009
Nepal	1010—1018
Mysore	1019
Native States in the Punjab	1020
French possessions in India	1021
XLIX.—Eunuchs, criminal tribes and foreign vagrants—	
Eunuchs	1022—1031
Criminal tribes	1032
Wandering tribes of foreign Asiatic vagrants	1033—1036
L.—Lunatic asylums and lunatics—	
General	1037—1055
Criminal lunatics	1056—1060
European lunatics	1061—1064
LI.—Poisons Act and rules—	
General	1065—1066
Rules regarding white arsenic	1067—1068
other poisons	1069—1070
Rules regarding sulphides of arsenic, and certain	1071—1072
other poisons	1073—1078
LII.—Village headmen	1099—1107
LIII.—Retention and destruction of records	1108—1113
LIV.—Miscellaneous orders	1114—1138

VII —JUDICIAL (CIVIL) DEPARTMENT.

LV.—Powers and jurisdiction	1201—1205
LVI.—Village courts	1206—1215
LVII.—Execution of decrees—	
Maintenance and custody while under attachment, of	
live stock and other movable property	1216
Imprisonment of judgment-debtors	1217
Sale of ancestral land	1218—1221
LVIII.—Births, deaths and marriages—	
Registration	1222—1225
Marriages	1226—1254

CONTENTS.

CHAPTER	PARAGRAPHS.
LIX.—Intestacy .. .. .	.. 1255—1265
LX.—State contracts, deeds, and other instruments	.. 1266—1267
LXI.—Examinations—	
Departmental examinations .. ..	.. 1268—1271
Proficiency examination in Hindustani ..	.. 1272—1287
Examination in Oriental languages ..	.. 1279—1288
„ „ Russian .. ..	.. 1289
LXII.—Miscellaneous .. .. .	.. 1290—1298

VIII.—POLICE DEPARTMENT.

Blank.

IX.—LOCAL-SELF GOVERNMENT DEPARTMENT.

Blank.

X.—FINANCIAL DEPARTMENT.

LXIII.—Advances and loans to local authorities ..	.. 1301—1305
LXIV.—Budgets .. .. .	.. 1306—1315
LXV.—Check and audit of the public accounts ..	.. 1316—1318
LXVI.—Contingencies—	
Contract contingent grants .. ..	.. 1319—1320
Miscellaneous rulings .. ..	.. 1321—1328
Check and control .. ..	.. 1329
LXVII.—Delegation of financial power .. ..	.. 1330
LXVIII.—Embezzlements .. .. .	.. 1331—1333
LXIX.—Establishments—	
Conditions before employment .. ..	.. 1334—1338
Employment of pensioned native soldiers ..	.. 1339—1345
Security bonds .. ..	.. 1346—1348
Leave applications .. ..	.. 1349—1354
Retirements .. ..	.. 1355—1361
Revision of establishment .. ..	.. 1362—1364
LXX.—Pensions—	
General .. ..	.. 1365—1368
Pensionable and non-pensionable service ..	.. 1369—1370
Medical boards for invalid pensions ..	.. 1371—1378
Miscellaneous rulings .. ..	.. 1379—1388
LXXI.—Salaries and allowances except travelling allowance	.. 1389—1401
LXXII.—Travelling allowance—	
Calculation of distance .. ..	.. 1402—1403
Miscellaneous rulings .. ..	.. 1404—1420
Exemptions from the 10 days' rule ..	.. 1421—1423
Carriage of horses &c by rail .. ..	.. 1424—1426
Controlling officers .. ..	.. 1427—1432
LXXIII.—Treasuries and treasury officers .. ..	.. 1433—1437
LXXIV.—Miscellaneous .. .. .	.. 1438—1455

CHAPTER.

PARAGRAPHS

XI—MUNICIPAL DEPARTMENT

LXXV.—Act XX towns	..	..	..	..	1501—1510
LXXVI.—Cantonments—					
Boundaries	..	..	..	..	1511—1512
Taxation and exemptions from taxation	..			..	1513—1515
Miscellaneous	..	..	..	..	1527—1530

XII.—MISCELLANEOUS DEPARTMENT.

LXXXVII.—Archæology	..	..	..	..	1601—1605
LXXXVIII.—Books, newspapers, periodicals and other publications	..			..	1606—1628
LXXX.—Circuit houses—					
Government circuit houses	..	..	..	..	1629—1644
Circuit houses of sessions judges	..			..	1645—1648
LXXX.—Englo shing, stamping, and registering deeds and other instruments	..	..	..	..	1649—1666
LXXXI.—Government gazette	..	..	..	..	1667—1670
LXXXII.—Holidays	..	..	..	..	1671—1676
LXXXIII.—Libraries	..	..	..	..	1677—1691
LXXXIV.—Stationery and typewriters—					
Stationery	..	..	..	..	1692—1703
Typewriters	..	..	..	..	1704—1714
LXXXV.—Treasure trove—					
General rules	..	..	..	..	1715—1731
Coins	..	..	..	..	1732—1735
LXXXVI.—Wild animals and poisonous snakes	..			..	1736—1740
LXXXVII.—Miscellaneous	..	..	..	..	1741—1743

XIII.—SEPARATE REVENUE DEPARTMENT.

LXXXVIII.—Excise	..	..	..	..	1801
Incometax	..	..	..	..	1802
Nasut	..	..	..	..	1803—1840
Salt	..	..	..	..	1841
Stamps	..	..	..	..	1842

XIV.—FOREST DEPARTMENT.

Empty.

XV.—EDUCATIONAL DEPARTMENT

LXXXIX.—Andam student going to England	..			..	1901—1906
XC.—Return to school	..	..	..	..	1907—1911
XCI.—Miscellaneous	..	..	..	..	1915—1917

XVI.—SANITATION DEPARTMENT.

XCI.—Deputy Sanitary Commissioners	..	..	..	..	2001—2010
XCI.—Epidemic diseases such as cholera—					
General	..	..	..	..	2011—2021
Cholera	..	..	..	..	2022—2025

CHAPTER.

PARAGRAPHS.

XVI.—SANITATION DEPARTMENT—(*concluded*).

XCIV.—Fever	2036—2047
XCV.—Fairs	2048—2077
XCVI.—Registration of vital statistics	2078—2087
XCVII.—Vaccination	2088—2101
XCVIII.—Village sanitation :—	
Duties of civil surgeons	2102
The Village Sanitation Act 1892	2103—2119
Village sanitary inspection book	2120—2122
XCIX.—Miscellaneous—	
The Sanitary Board	2123
Military encamping grounds	2131—2126
Destruction of infected clothing	2127

XVII.—LEGISLATIVE DEPARTMENT.

Blank.

XVIII.—INDUSTRIES DEPARTMENT.

C.—Camp equipment and carriage—	
Camp equipment	2201—2206
Khalsas and carriage of camp equipment	2207—2208
CI.—Cattle and horses—	
Veterinary inspectors and assistants	2209—2218
Cattle shows	2219—2220
Horses	2221—2226
Glanders and farcy	2227—2264
CII.—Emigration	2265—2282
CIII.—Factories	2283—2311
CIV.—Mines and minerals	2312—2317
CV.—Petroleum and carbide of calcium—	
Petroleum	2318—2394
Carbide of calcium	2395
CVI.—Post office and telegraph rules—	
Post office rules	2396—2399
Telegraph rules	2399—2398
CVII.—Printing and bookbinding at the Government Press—	
Printing	2399—2444
Bookbinding at the Government Press	2445—2446
CVIII.—Stores—	
Indents for stores	2447—2467
Returns of expenditure on stores	2468—2469
Stock books and returns of stores and movable property	2470—2476
Miscellaneous	2477
CIX.—Miscellaneous—	
Fairs	2478
Fisheries	2479—2481

I.

Revenue and Scarcity Department.

I.—REVENUE AND SCARCITY DEPARTMENT.

Contents.

CHAPTER.				PARAGRAPH.
I.—Revenue powers	..	..	..	1—13
II.—Boundaries—				
Provincial ..	..	..	..	14—27
Native states	..	..	..	28—32
District ..	..	..	..	33—34
III.—Acquisition and relinquishment of land		..	..	35—37
IV.—Alienation and grant of state lands and assignments of revenue—				
Alienation of state lands	..	..	..	38—42
Grants of land and assignments of land revenue			..	43—46
Lapse and continuance of grants			..	47—53
V.—Superintendents of government gardens			..	54—61
VI.—Miscellaneous—				
Orphans and foundlings	..	..	..	62—66
Sale of immovable property in Oudh			..	67
Crop and weather reports	..	..	..	68—71
Meteorology	..	..	..	72—77
Trigonometrical survey stations	..	..	..	78—84

1

10

10

10

10

1

10

10

10

10

10

10

10

10

10

10

10

1

1

I.—REVENUE AND SCARCITY DEPARTMENT.

Chapter I—Revenue powers.

A.—Powers in Oudh and Kumaun.

1. ALL persons who have been, or may hereafter be, appointed to be, or to officiate as, assistant commissioners of the 1st or 2nd class, respectively, in Oudh are appointed to be or to officiate as assistant collectors of the 1st or 2nd class, under section 15, United Provinces Land Revenue Act, 1901.

Cf. G. O.
and 568/1
dated 24th 1

2. Every person who, under section 15, United Provinces Land Revenue Act, 1901, has been, or may hereafter be, appointed to be, or to officiate as, an assistant collector of the 1st or 2nd class, respectively, in Oudh, is invested with the powers of an assistant collector of the 1st or 2nd class, under section 110 of the Oudh Rent Act, 1886.

Cf. G. O.
and 4269/1
dated 26th
1901.

3. Under section 110 of the Oudh Rent Act, 1886, the powers of an assistant collector of the 1st or 2nd class, respectively, have been conferred upon every officer hereafter transferred from a district in the province of Agra to a district in Oudh, who, previous to such transfer, has been appointed an assistant collector of the 1st or 2nd class, under section 15, United Provinces Land Revenue Act, 1901.

Cf. G. O.
I—207F., da
Dec. 1901.

4. Under section 7 (2) of the "Kumaun Rules, 1894," the powers of an assistant collector of the 1st class or of the 2nd class, respectively, have been conferred upon every officer hereafter transferred to Kumaun who, previous to such transfer, has been appointed an assistant collector of the 1st class or of the 2nd class under section 15, United Provinces Land Revenue Act, 1901.

Cf. G. O.
and 4266/1
dated 26th
1901.

B.—Sub-divisional officers.

5. The power of placing assistant collectors of the 1st class in charge of one or more sub-divisions has been delegated to every Collector.

Cf. G. O. 1
I—207F., da
Dec. 1901.

6. The power of a Collector, under sub-section (1) of section 45 of the United Provinces Land Revenue Act, 1901, to issue a proclamation calling on co-sharers to nominate a lambardar on the occurrence of a vacancy in the office of lambardar in any mahal or part of a mahal has been conferred upon every assistant collector in charge of a sub-division.

Cf. G. O.
I—207F., da
Jan. 1902.

C.—Settlement officials.

7. Assistant settlement officers and deputy collectors employed on settlement work are assistant record officers for the districts in which they are employed.

Cf. G.
1014/I-351F
9th Apr. 1902

Cf. G. O. no. 4260 and 4261/I—207F., dated 26th Dec. 1901.

- 8.** All persons who have been, or may hereafter be, appointed to be, or to officiate as, deputy collectors on settlement work, are assistant settlement officers under section 60, and assistant collectors of the 1st class under section 15, United Provinces Land Revenue Act, 1901.

D.—Newly joined civilians.

Cf. G. O. no. 109/I-207F., dated 13th Jan. 1902.

- 9.** A newly joined civilian attached to the provinces will, on appointment, be gazetted as an assistant collector of the 2nd class. He will not be appointed as an assistant collector of the 1st class until he has passed the departmental examination by the higher standard and has exercised the powers of an assistant collector, 2nd class, for a period of not less than one year.

E.—Newly appointed deputy collectors.

Cf. G. O. no. 4262 and 4263/I—207F., dated 26th Dec. 1901.

- 10.** Unless otherwise expressly directed in any case, all persons who may be appointed (1) on promotion from the office of tahsildar, or (2) otherwise than on such promotion, to be or to officiate as deputy collectors are, so long as they are or officiate as deputy collectors, assistant collectors of (1) the 1st class or (2) the 2nd class, respectively.

F.—Tahsildars, naib tahsildars, and (Kumaun) peshkars.

Cf. G. O. no. 4264/I-207F., dated 26th Dec. 1901.

- 11.** All persons who have been, or may hereafter be, appointed to be, or to officiate as, tahsildars, are assistant collectors of the 2nd class.

Cf. G. O. no. 1010/I-207F., and no. 126/I-1023, dated 9th Apr. 1902 and 13th Jan. 1903.

- 12.** The powers of a tahsildar have been conferred on—
(a) all permanent naib tahsildars, and
(b) officiating naib tahsildars who have officiated as such for periods aggregating not less than two years in all.

Cf. G. O. no. 2239/I—62, dated 10th Dec. 1909.

- 13.** Under section 224 of the United Provinces Land Revenue Act, 1901, as extended to the districts of Almora, Garhwal and Naini Tal (exclusive of the settled tracts of the Tarai sub-division), all the powers of a tahsildar have been conferred on (1) all permanent peshkars, and (2) all persons for the time being officiating as peshkars who have officiated as such for periods aggregating not less than two years in all.

Chapter II—Boundaries.

A.—Provincial.

14. The deep-stream of the Ganges, so far as it flows between the districts of Shahabad and Ghazipur, is the boundary between those districts, and between the Lieutenant-Governorships of Bengal and the United Provinces.

Of G. G. O. (H.D.)
no. 241, dated
11th Jan. 1867.

15. The deep-stream of the Ghogra is the boundary between the Ballia district in the United Provinces and the Saran district in Bengal up to the point where the boundary line between mauza Ibrahimabad Naubarar in Ballia and mauza Shitab Diara in Bengal meets that river; and the deep-stream of the Ganges is the boundary between the Ballia district in the United Provinces and the Shahabad district in Bengal up to the point where the boundary lying between mauza Mahazi Kunderha in Ballia and mauza Shitab Diara in Bengal meets that river.

Of G. G. O. (H.D.)
no. 186, dated
28th Jan. 1864.

The boundary between the villages of Ibrahimabad Naubarar and Mahazi Kunderha on the one side and Shitab Diara on the other is the provincial boundary across the doab between the United Provinces and Bengal, from the easternmost point of the Ghogra river-face of mauza Ibrahimabad Naubarar (i.e. the point where the Ghogra ceases to flow between Saran and Ballia) on the north to the easternmost point of the Ganges river-face of mauza Mahazi Kunderha (i.e. the point where the Ganges ceases to flow between Shahabad and Ballia) on the south.

Of G. G. O. (H.D.)
no. 2598, dated
27th Sept. 1888.

16. The deep-stream of the Jumna is the boundary between the districts of Saharanpur, Muzaffarnagar, Meerut, Bulandshahr and Aligarh in the United Provinces on the one side, and the districts of Karnal, Delhi and Gurgaon in the Punjab on the other side.

17. The duty of verifying the boundary line and the authority for deciding it in doubtful cases rests with the executive officers of the Government and not with the courts of law, the object of the measure being to place beyond doubt the jurisdiction of those courts.

18. At the close of the rains each year, when the rivers have returned to their ordinary limits, the Collector of each district in the province of Agra will intimate to the chief revenue authority of conterminous districts in Bengal or the Punjab that he is prepared to verify the river boundary line for the current year, and that the tahsildars or (in the case of districts bordering on the Punjab) supervisor kanungos (who will submit their reports through their respective tahsildars) are ready to meet native officers of an equal rank and follow the course of the "deep-stream" within their several jurisdictions.

19. If, when the local inspection has taken place, it appears that there has been any marked change in the course of the "deep-stream," the two native officers will prepare in duplicate a map showing the course of the "deep-stream," and marking in distinct colours the transfers from one jurisdiction to the other caused by the action of the rivers during the past season. The map should be signed by both officers.

20. No questions with regard to proprietary rights, boundary disputes or loss or gain of revenue are to be entertained: the duty of the

*Note.—For the boundary between the districts of Saharanpur and Ambala the notifications of the Government of India, no. 1501, dated the 11th September 1884, and no. 618, dated the 8th March 1867, should be seen.

inspecting officers is simply to record the palpable physical fact of the "deep-stream." If they are agreed for the whole reach of river within their jurisdictions, they are to sign each other's maps and forward them to their respective superiors.

21. (a) In Bengal if there are two streams, and the officers employed cannot agree which is the "deep-stream," the question must be reserved for the decision of officers of a rank not less than assistant collector, first grade, deputed from both districts; and if there should be two streams of equal depth, the fact must be reported for the orders of the Local Governments.

(b) In districts bordering on the Punjab if the kanungos are unable to agree which is the "deep-stream" the tahsildars of the conterminous tahsils will meet and examine the stream. If the tahsildars are unable to agree the procedure laid down in paragraph (a) for districts bordering on Bengal will be followed.

22. The Collector, on receipt of the reports of the tahsildars, will, if the course of the "deep-stream" has changed, have a map prepared for his district, attest the map, recording the date of attestation, and report the fact to the Commissioner. The map thus attested will limit the boundary of the district for that year, and the jurisdiction of the civil, criminal and revenue courts, the police, the excise, &c., will be thereby defined beyond question.

23. The Collector will then proceed to prepare his alluvion and diluvion statements according to the circular orders of the Board of Revenue. If boundary disputes arise within these limits, he will adjudicate them under the Land Revenue Act; if disputes arise with regard to property situated within those limits, the action will lie in the civil courts of the district to which the disputed lands have been annexed by order of the executive, without reference to previous history or the place of residence of the claimants, who must, if in possession, follow their lands across the "deep-stream," and if out of possession sue for possession in the courts of which the jurisdiction is certified in the manner above stated.

24. The following rules are to be followed in all cases in which, owing to any deviation in the course of the "deep-stream," the lands belonging to an estate on one side of the river may have been cut off, and included within the boundary line of another district.

25. Notwithstanding all changes in the course of the "deep-stream," the liability of a permanently-settled entire estate for the entire amount of government revenue which may be assessed upon it will not be interfered with. The entire demand will be payable into the treasury of one Collector only, but when all, or by far the greater portion, of the lands constituting any estate are found to be situated on the opposite side of the river from that of the Collector on whose revenue roll the estate is borne, and are likely to remain so, the estate may, for convenience sake, be transferred to the revenue roll of the other Collector; but for such a transfer the orders of the Governments, both of the United Provinces and of Bengal, will be necessary.

26. Similarly, when the proceedings held show that a temporarily-settled estate has been divided into two parts by the river, the liability for revenue will remain undivided until the expiration of the current

settlement, but when the necessity for re-assessment and re-settlement arises, the opportunity should be taken of assessing separately the lands on each side of the river, and of making each into an estate separately liable for revenue payable into the treasury of the Collector on whose side of the river it may lie.

27. A sound discretion must be exercised by Collectors in order to avoid unnecessary transfers from one revenue roll to another, and the breaking up of lands into separate estates, when, judging from the present action of the river, the lands are likely to be constantly shifting from one side to the other.

B.—Native states.

28. Every Collector, between whose district and native territory there is a surveyed or demarcated boundary line, will inspect it, or cause it to be inspected by one of his subordinates, once in every cold season, and will notice the state of the boundary pillars in his annual administration report.

Of. G. O. no. 373/IV, dated 6th June 1882.

29. Villages within British India should be called on to pay for the construction or repair of boundary pillars only a sum equivalent to that which they would have to pay were the villages not situated on the frontier. The remaining cost will be defrayed by the Government, unless in any case it is customary for the native state to which the adjoining village belongs to contribute a share.

30. A continuous neutral strip 30 feet in width is maintained on either side of the boundary line between Nepalese and British territory. Every Collector of a district bordering on Nepal, or one of his subordinates, will visit the boundary once in every cold season, and see that the strip is clear and free from encumbrances. The state of the strip and of the boundary pillars should be noticed in his annual administration report.

Of. G. O. no. 3671/I—3A., dated 7th Oct. 1896.

31. Officers should observe the following directions regarding the neutral strip:—

- (a) The breadth in British territory of neutral and uncultivated land must be not less than 30 feet.
- (b) Except where natural obstacles intervene, the line from pillar to pillar may be regarded as straight. District officers should have no difficulty, with the aid of boundary maps, in ascertaining the precise direction of the border line, even where it does not run straight from pillar to pillar. In cases of doubt, which should be few, the Resident in Nepal may be referred to directly.
- (c) The existing pillars may be assumed to be situated just inside British territory.
- (d) Except where clearance is impossible or unnecessary, or where it would be obviously disadvantageous, as in the case of the Sarda river and the belt of trees in a portion of the Pilibhit border, the neutral strip should be completely cleared, in order that the continuity of the boundary line may be secured.
- (e) Where the circumstances of the land permit, a small trench should be dug along the inner boundary of the cleared tract, so as to

make the demarcation obvious and to prevent encroachment upon the tract.

32. Where no fixed rule exists, if any land should be cut away from British territory and transferred to Nepalese territory, and *vice versa*, by a sudden change in the course of a boundary river, but not in the ordinary course of alluvion and diluvion, such land should continue to be considered the property of the state to which it previously belonged.

C.—District.

Cf. G. O. (Judl. Criml. Dept.) no. 37A., dated 9th Jan. 1874.

33. The deep-stream of the following rivers is for purposes of criminal jurisdiction the boundary between the districts noted in columns 2 and 3 :—

River.	District.	District.	River.	District.	District.
1	2	3	1	2	3
Ganges ..	Dehra Dún..	Garhwál.	Jumna ..	Agra ..	Muttra.
Ganges ..	Saharanpur..	Bijnor.	Jumna ..	Agra ..	Mainpuri.
Ganges ..	Muzaffarnagar	Bijnor.	Jumna ..	Jalaun ..	Etawah.
Ganges ..	Meerut ..	Bijnor.	Jumna ..	Jalaun ..	Etawah.
		Moradabad.	Jumna ..	Hamirpur ..	Cawnpore.
Ganges ..	Bulandshahr	Moradabad.	Jumna ..	Hamirpur ..	Cawnpore.
		Budaun.	Jumna ..	Banda ..	Fatehpur.
Ganges ..	Aligarh ..	Budaun.	Jumna ..	Banda ..	Fatehpur.
Ganges ..	Etah ..	Budaun.	..	..	Allahabad.
Ganges ..	Farrukhabad	Budaun.	Ganges ..	Allahabad ..	Mirzapur.
Ganges ..	Farrukhabad	Shahjahanpur	Ganges ..	Mirzapur ..	Benares.
*Ganges ..	Districts in	Districts in	Ganges ..	Benares ..	Ghazipur.
	the province	Oudh.	Ghogra ..	Azamgarh ..	Gorakhpur.
	of Agra.		†Ghogra ..	Fyzabad ..	Gonda.

* *Cf. G. G. O. no. 2108, dated 9th July 1867.* | † *Cf. G. O. no. 221, dated 15th February 1884.*

34. Within the United Provinces civil and revenue jurisdiction does not necessarily alter with a change in the deep-stream. The local limits of the jurisdiction of the revenue courts are now determined by the Local Government under section 11, United Provinces Land Revenue Act, 1901; and of the civil courts under section 13 of the Bengal, Agra and Assam Civil Courts Act, 1887 (Agra), and under section 16 of the Oudh Civil Courts Act, 1879 (Oudh).

No village lands should pass from the jurisdiction of one set of revenue officers to that of another by a change in the deep-stream unless the village site itself is transferred: and in such a case not merely the separated portion but the whole mahal should go over to the district with which the portion on which the site stands has become incorporated.

Note.—The law declaring the rules to be observed in claims to lands gained by alluvion or by dereliction of a river is contained in Regulation XI of 1825.

Cf. G. O. no. 401A., dated 20th Feb. 1873.

Chapter III.—Acquisition and relinquishment of land.

35. Before application is made for the acquisition of land for public purposes, the necessity for the appropriation must be clearly established, and an estimate framed of the compensation to be paid and of the revenue to be remitted as laid down in the Board's circulars. It should also be stated that formal acquisition under the Act is considered preferable to purchase by private contract, or that the latter course has been found impracticable. Where easements are found to exist, purchase by private contract should not be adopted; inquiry should invariably be made into the existence of easements, the result being mentioned in the application for acquisition.

36. Other orders regarding the acquisition of land are contained in the circular orders of the Board of Revenue.

37. All heads of departments should report to the Board whenever any land taken up for a public purpose is relinquished by their department: it will be sufficient to specify the situation and area of the relinquished land.

Cf. G. O. no. 166,
dated 13th Dec
1879, and no. 1246/
I—133B., dated 9th
May 1893.

Cf. G. O. no. 10,
dated 2nd March
1881.

Chapter IV.—Alienation and grants of state lands and assignments of revenue.

I.—ALIENATION OF STATE LANDS.

Cf. G. G. O.
(R. & A.) no. 144,
dated 6th Feb. 1872.

38. Lands to be disposed of are divided into two classes :—

I.—Those which are the property of the State.

II.—Those which, under competent authority, have been constituted the property of a municipality or other local body.

Cf. G. G. O.
(R. & A.) no. 5/329,
dated 20th June 1881.

39. Lands of the 1st class may be disposed of—

- (1) by sale or exchange for land which is private property at full market value.
- (2) by sale on favourable terms to a public body or association or to an individual for a public purpose.
- (3) (a) by gift or grant to a public body or association or to an individual for a public purpose ;
(b) by gift or grant to private individuals in remuneration for public services to be performed ;
(c) by gift, grant or sale to private individuals for their private benefit, without reference to future services.

Cf. G. G. O.
(R. & A.) no. 1/645,
dated 31st Aug. 1877.

40. As regards the lands in class II which have been under a competent authority constituted the property of a local body, it will be the duty of the Local Government to satisfy itself that the lands in question have been transferred under proper authority ; the sanction of the Local Government will then be sufficient for the disposal of the lands.

Cf. G. G. O.
(R. & A.) no. 5/329,
dated 20th June 1881.

41. (a) As regards lands the property of the State (other than waste lands), which are sold for full value or exchanged for land which is private property of equal value, no reference to the Government of India need be made where the full value does not exceed Rs. 10,000. Up to this amount the sanction of the Local Government will in all cases be sufficient. The amount realized by the sale of the land should invariably be credited to the general revenues, but the Local Government may sanction the sale of nazul lands situated beyond municipal limits and credit the sale proceeds to local funds : provided (1) that the authority thus given shall apply only to the sale of those lands, the proceeds of which have, under proper sanction, been hitherto credited to local funds ; and (2) that all sale proceeds in excess of Rs. 100 shall either be funded or invested in reproductive works.

Cf. G. G. O.
(R. & A.) no. 243,
dated 22nd March
1873.

(b) As regards the sale of lands on favourable terms for a public purpose, in no case should the recipient pay less than half the full market value. Whenever such full value exceeds the sum of Rs. 1,000 the sanction of the Government of India should be previously obtained. The amount realized by the sale should be credited to the general revenues.

(c) As regards the gift, grant, or sale of lands, the previous sanction of the Government of India should be obtained in cases where the value of the grant exceeds Rs. 3,000 when given as a site for the construction of schools, hospitals, dispensaries, or other public works, at the cost of recognized local funds ; where it exceeds Rs. 500, when given for any other public purpose or to a private individual for services to be

ALIENATION AND GRANTS OF STATE LANDS AND ASSIGNMENTS 13
OF REVENUE.

performed to the *State; or where it exceeds Rs. 100 when the services are to be performed to the community; and in *all* cases of grant to individuals for their private benefit, irrespective of any services to be performed.

42. Whenever a grant is made of any immovable public property, whether for public, religious, educational or any other purposes, the property shall be granted expressly on the following conditions, in addition to any others that may be settled in particular cases,

Conditions of grant of immovable public property.

viz.—

- (1) that the property shall be liable to be resumed by the Government if used for other than the specific purpose or purposes for which it is granted; and
- (2) that should the property be at any time resumed by the Government, the compensation payable therefor shall not exceed the amount (if any) paid to the Government for the grant, together with the cost or their present value, whichever shall be the less, of any buildings erected or other works executed on the land by the grantees.

Cf. G. G. O. (F. & C.) no. 914A., dated 19th Feb. 1902.

II.—GRANTS OF LAND AND ASSIGNMENTS OF LAND REVENUE.

A.—*Native officers.*†

43. Applications for grants of land or assignments of land revenue on behalf of native officers of the Indian Army are submitted by the Commander-in-Chief in India, the annual value of the reward being specified in each case. When the Local Government is prepared to provide a grant of land and the grantee accepts this form of reward, it will be open to the Local Government to arrange for the bestowal of the privileges connected with the grant in such a way that the difference between the value of the grant on the terms given and the market value may amount approximately to 25 times the annual value specified in the orders of the Government of India on each case, such value being limited to the maximum of Rs. 400. Should the Local Government not be prepared to give land or the grantee be unwilling to accept his reward in this form, the grantee will be given an assignment of revenue from any village or estate that may be selected. If an assignment of revenue be given such assignment will be for three lives only, the maximum amount of revenue assigned to the original grantee being Rs. 600, to the first heir Rs. 300, and to the next heir in succession Rs. 150. The method in which the assigned revenues are to be paid, i.e. whether from the state treasury or by the landowners direct, will be left to Local Governments to decide, but the amount should be fixed in cash and not in terms of the land revenue. When the grantee is a landholder the assignment may take the form of a remission of a specified amount of the revenue due from himself.

Cf. G. G. O. (M. D.) no. 867B., dated 27th Feb. 1893, and no. 3293B., dated 24th Oct. 1893.

On the death of the original holder one-half of the grant, whether it consists of an assignment or remission of revenue, should descend integrally

* *Note.*—This does not refer to cases in which the Local Government has been separately authorized to dispose of lands under special rules.

† i.e. only native officers of the Army and senior hospital assistants of the Indian subordinate medical department and no other classes.

Cf. G. G. O. (M. D.) no. 1875B., dated 24th May 1905.

14 ALIENATION AND GRANTS OF STATE LANDS AND ASSIGNMENTS
OF REVENUE.

to a single heir; the heir will be selected by the district officer, but will ordinarily be the eldest male heir in the eldest branch of the deceased's descendants. On the death of the selected heir one-quarter of the original grant will descend integrally to one of his heirs similarly chosen by the district officer. The selection made by the district officer will, in all cases, be subject to confirmation by the Commissioner

Cf. G. G. O. (M. D.) no. 2525B, dated 1st Dec. 1888.

Note.—The arrangements made by the Local Government will be reported for the information of the Government of India in the Finance, Revenue and Agriculture, and Army departments.

B.—Private persons.

Cf. G. G. O. no. 8—29-3, dated 29th May 1906.

44. A Local Government may, without the previous sanction of the Government of India, in recognition of special service rendered to the police or to the criminal administration by a private person, inclusive of a village headman or watchman, make a gift to that person, or to his heir or widow, of state land of a value not exceeding Rs. 500, or may grant him or his heir or widow an assignment of land revenue not exceeding Rs. 15 a year for one life or for a term of twenty-five years, whichever period may be the longer. The grant may be made partly in the form of a gift of land and partly in the form of an assignment, either of the land revenue of that land or of other land; but the total estimated value of the grant should not exceed Rs. 500. The grant should be made on the condition that it will not be alienated without the sanction of the Collector, and, when it is in the form of an assignment of land revenue, it should be subject to the condition of loyalty and good conduct.

C.—Rules regarding the assignment of land revenue.

Cf. G. G. O. (R. & A.) no. 4/806-15, dated 29th Sept. 1873.

45. The permanent alienation of government revenue and the grant of waste lands free from the payment of revenue for a longer period than 20 years require the previous sanction of the Government of India.

Assignments of land revenue.

Cf. G. G. O. (R. & A.) no. 11/368-1, dated 16th Oct. 1896.

46. (a) As regards assignments of land revenue the amount of all new assignments made by the Local Government will be reported annually to the Government of India. New assignments may take the form either of the creation of a new grant, or of the extension of an old one, the term of which has expired. Thus, if a grant was originally sanctioned free of revenue for the first life and at half rates for the second, the remission of half the revenue in favour of the son of the original grantee would not appear in the table. But if on his death the Government continued any portion of the remission to the grandson that would be a new grant. So, any increase in the amount of an assignment due to the enhancement of the assessment upon the land of which the revenue was assigned would not be a new grant. But if the Government increased the amount of a grant of fixed value, or added new land to that of which the revenue was already assigned, the addition in either case would represent a new grant.

(b) A grant or lease of waste land is often made free of revenue or on a favourable assessment for the first few years, as part of the terms upon

* *Note.*—Including a remission in favour of the owner or occupant of land of the revenue payable on it.

which the land is taken up, and independently of any personal claim to consideration. This is not a remission of land revenue, but an incident of a business transaction; such cases should not appear in the statement.

(c) Remissions of revenue made under standing rules or in consequence of agricultural distress, not as a reward or grant, but because the revenue should not be collected, will not be included in the statistics.

(d) In some cases land free of revenue is assigned for the support of village officers and other public functionaries. The form provides therefore for separate figures for grants for the maintenance of public servants and grants for other purposes. Under the former head should be included only those grants the holders of which discharge official or quasi-official functions in the due performance of which the Government is interested.

(e) When land which is entered in the statements of alienations sanctioned by the Local Government or the Government of India is granted free of revenue, the fact should be noted in the column of remarks, and the land revenue grant included in the statement of assignments of land revenue.

III.—THE LAPSE AND CONTINUANCE OF GRANTS.

47. Except as provided in the following rules, no grant of which the conditions have been defined by any general or special order of the Government of India, or by an order of the Local Government acting under general

Rule 1.

powers conferred by the Government of India, may be continued on lapse at the end of the term specified in the order, or otherwise modified in favour of the grantee, without the previous sanction of the Government of India.

48. Grants for village service or for a religious, charitable or other analogous institution, which under orders passed prior to these rules are resumable on the expiry of a life or lives, or of some other period specified in

Rule 2.

the order, may on lapse be continued by the Local Government without reference to the Government of India, for such period as the service is rendered, or the institution is kept up, and the assignee is well-behaved.

49. Other grants, which under orders passed prior to the issue of these rules are resumable on the expiry of a life or lives or some other period specified in the order, may

Rule 3.

be renewed without previous reference to the Government of India, in favour of one or more of the heirs of the late holder and in such proportions as the Local Government may think fit:

Provided that:—

- (1) if any portion of the grant is renewed in favour of a single person, it shall be continued to him for the period of his life or any shorter period;
- (2) if any portion of the grant is renewed and distributed among several persons, the share of each person may be continued to him for his life or any shorter period;
- (3) the portion of the grant renewed in favour of one person, or the aggregate of the portions renewed in favour of two or more persons shall not exceed (a) Rs. 50 if the portion or aggregate

*Cf. G. G. O.
(R. & A.) no. 1363/
328-2, dated 16th
Aug. 1906.*

16 ALIENATION AND GRANTS OF STATE LANDS AND ASSIGNMENTS
OF REVENUE.

of the portions of the grant renewed exceeds half the sum enjoyed by the late holder; or (b) Rs. 1,000 if the portion or aggregate of the portions renewed does not exceed half the sum enjoyed by the late holder.

50. Applications for the continuance of a grant under rules 2 and 3 should be made as soon as possible after the death of the holder. If not made within two years they will be rejected, unless the delay is sufficiently explained.

Rule 5. **51.** Applications for the renewal of a grant should not be made unless :

- (1) the family of the deceased holder is in destitute or greatly reduced circumstances ; or
- (2) the members of the family are unable to support themselves ; or
- (3) the deceased holder has rendered important public services of a special kind ; or
- (4) there are sufficient political reasons for exceptional liberality, grounded upon the history of the family and its services to the State, or its position in the country, or its claim by reason of misfortunes beyond the control of the survivors upon the compassion of the British Government.

52. All applications for the renewal of a grant should be accompanied by a pedigree table of the family and it should be clearly stated—

- (1) what heirs or other relatives, who depended upon him for support, have been left by the deceased grantee or pensioner ;
- (2) what means of subsistence these persons have severally ;
- (3) whether any of them, by reason of tender years, sex, or any infirmity, are unable to earn their own livelihood ;
- (4) in favour of which members of the family renewal is recommended and in what shares ;
- (5) as regards each member of the family in whose favour the renewal of a portion of the grant is recommended, whether it should be continued to him for life or for any shorter period.

Note.—In the case of minors it will usually be sufficient to continue their share till, in the case of boys, they reach the age of 25, and in the case of girls till they are married.

- (6) in the case of minors, to whom their share of the grant should be payable and on what conditions, if any ;
- (7) whether the deceased holder had any special claim on the Government for good services rendered which still calls for recognition.

53. When proposals are made to continue any part of a revenue-free assignment on personal grounds, the Government will not ordinarily be prepared to consider favourably recommendations for the continuance of a larger share than the Local Government is empowered to continue.

Rule 7.

Chapter V.—Superintendents of government gardens.

54. The superintendent of every government garden shall be considered to be a member of the staff of the district in which he is employed, and as such shall be subordinate to the Collector of the district and the Commissioner of the division.

Cf. G. O. no. 2623/ I—265F, dated 24th Aug. 1903.

55. Questions relating to the appointment, leave, transfer, promotion, punishment, or deputation outside the provinces of superintendents of government gardens shall be referred by the Commissioner to the Government through the Director of Land Records and Agriculture, or by the Director after reference to the Commissioner.

56. The superintendent of the Allahabad Cawnpore garden is required to visit the government circuit house garden at Banars Jhansi once or twice a year and to advise the Collector with reference thereto. With reference to article 58, Civil Service Regulations, Commissioners of divisions may authorize the necessary journeys.

57. Under the Civil Service Regulations superintendents of government gardens are liable to be employed on any other work outside their districts either (a) for the Government, or (b) at the request of municipal or district boards or of the authorities managing cantonment or trust funds, &c. No claim for additional remuneration on account of such work can be made; but in the case of work falling under class (b) such as advising on the laying out of gardens or parks, a superintendent may receive an honorarium of Rs. 16 per diem and of the travelling allowance prescribed by the Civil Service Regulations according to the officer's rank, when the Director gives the certificate required by article 72 (a), Civil Service Regulations.

58. Applications for the temporary employment of a superintendent on work of the nature referred to in the latter part of paragraph 57 should be made to the Director of Land Records and Agriculture, who may, after reference to the Commissioner, authorize such employment if the work does not involve an absence of more than ten days at one time, referring the remuneration for the sanction of the Government if above Rs. 100.

59. If a private person or private body desires that a superintendent should undertake special and temporary work, such as advising on the laying out of gardens or parks, application should be made to the Director of Land Records and Agriculture, stating the probable term and the remuneration offered and accepted by the officer concerned. The Director may, having regard to article 74, Civil Service Regulations, and after reference to the Commissioner, accord sanction, provided that it will not involve the absence of the superintendent for more than ten days at a time, and the remuneration mutually agreed upon is considered reasonable, or may report the proposals, if necessary, for the sanction of the Government.

60. The superintendent of a government garden may not take up work outside that of his ordinary charge without the permission of the Director.

61. Paragraphs 56 to 60 apply *mutatis mutandis* to the superintendents of the Lucknow and Saharanpur gardens, who serve directly under the orders of the Director and are subordinate to him as head of the department. The superintendent of the ^{Saharanpur}_{Lucknow} garden is required to visit the ^{Meerut}_{Bareilly} government circuit house garden.

Chapter VI—Miscellaneous.

A.—Orphans and foundlings.

62. Foundlings and the friendless children of female prisoners should be made over to some orphanage when they attain the age of two years.

Rules regarding orphans and foundlings.

Three rupees each per mensem may be paid for their maintenance but not for orphans received from districts outside the United Provinces. This should cease in the case of boys on their reaching 16 years, and in that of girls 18 years or on marriage prior to attaining that age. All orphans who exceed the above ages should cease to be charged for.

Magistrates of districts are required to satisfy themselves before passing the monthly bills that only foundlings and the friendless children of female prisoners sent by magistrates from districts in these provinces and within the prescribed ages have been charged for.

63. In the case of foundlings of less than two years of age District Magistrates should make the best possible arrangements for their care, and meet the expenditure, should any be necessary, from their contract grants. Any child whose maintenance has been so arranged for can, if necessary, after it attains the age of two years, be brought under the rule in the foregoing paragraph.

64. If children are sent to and received in an orphanage who, by reason of physical or mental infirmity, are possibly incapable of being trained to earn a livelihood, the manager of the orphanage should understand that the institution will become solely responsible for the maintenance of such children when they attain the age of 16 years in the case of boys and 18 years in the case of girls.

65. Superintendents of orphanages furnish the Accountant-General on the 1st January of each year with a nominal roll of all the orphans under their charge, showing (1) the age and sex of each orphan; (2) whether a foundling or the friendless child of a female prisoner; and (3) the district from which received, with the number and date of the order of the District Magistrate sending the child to the orphanage.

66. District Magistrates should inspect such orphanages at least once a year to assure themselves that the orphanages are well conducted and the children properly cared for. In the case of orphanages which also maintain famine orphans the inspections should be made simultaneously with the inspection of the famine orphans required under the rules for the management of the famine orphans funds.

B.—Sale of immovable property in Oudh.

67. The sanction of the Lieutenant-Governor is necessary to the sale of ancestral property in Oudh in execution of decrees (section 20 of the Oudh Laws Act, 1876).

Sale of ancestral property in Oudh.

Applications for sanction to sale of such property should be submitted in the prescribed form. The entry against the heading "Date of the last application for execution against immovable property" immediately below form no. III must refer to the actual application for the sale of the immovable property in pursuance of which the sanction of the Lieutenant-Governor has been asked.

Cf. G. O. no. 15A., dated 21st Jan. 1865, no. 23A, dated 3rd July 1871, no. 463/S—48, dated 28th Nov. 1910, no. 535/XV—791, dated 11th Sept. 1896, no. 287/V—73, dated 12th July 1910, no. 526/XV—688, dated 8th Sept. 1896, and no. 294, XV—688, dated 7th Aug. 1897.

Cf. G. O. no. 1616/I—900D., dated 28th May 1901.

C.—Crop and weather reports.

Cf. G. G. O.
(R & A.) no. 4-10-1,
dated 1st March.
1905.

68. A telegraphic report on the state of the season and the prospects of the crops should be despatched by district officers so as to reach the Government not later than 2 p.m. on Wednesday in each week.

Reports required in ordinary times. *

Cf. G. G. O. no. 1/S
—2-1911, dated 6th
Jan. 1911.

It is probable that in many districts the report can be despatched by post instead of by telegram. When, therefore, the district report can be sent by letter so as to reach the Government on Wednesday morning in Allahabad or by the second delivery on Tuesday at Naini Tal, the report should be despatched by post instead of by telegram. Reports sent by letter should be in the same concise form as reports sent by telegram, and the envelopes should be marked "Crop and weather report."

69. The report should notice (1) the amount and general character of the rainfall of the week, and the tracts in which the total rainfall of the season has been insufficient; (2) according to the season, the progress of agricultural operations, the state of the standing crops, and the prospects and probable outturn of the harvest; (3) any serious damage done to crops by insects, blight, hailstorms, drought, floods, or other natural calamities; (4) the condition of agricultural stock, and the sufficiency or otherwise of pasturage, fodder and water-supplies; (5) the state of the grain-market and the pitch and tendency of the prices of food-grains. When prospects seem serious the explanations of abnormally high prices of food grains should be briefly incorporated in the telegram. The condition of the opium crop should be specially noticed, and the same practice may be followed in regard to other crops of commercial importance in the district concerned.

70. Intelligent compilation of the summary is especially demanded. The use of vague or stereotyped phrases week after week and of expressions which necessitate a reference to previous reports, such as "crop prospects unchanged," "no change in prospects with the exceptions previously noted", should be avoided: each report should be complete in itself. The main object of these reports is to show how far the condition and prospects of the crops, stocks and prices vary from the normal. Such phrases as "sowings have commenced in places," "harvesting has begun," "prices are almost stationary", give little information. What the report should show is, whether sowings are, as compared with normal conditions, satisfactory, or late, or restricted; whether harvest prospects and outturn are good, fair or poor; whether prices are high or low, rising or falling; and so on. The use of local vernacular terms should be entirely avoided.

71. The district reports will be published in the local gazette. Their main object is to show from week to week, in a brief and succinct form, the actual conditions and prospects of agriculture in each district as compared with the normal, including the condition of the cattle and the supply of fodder and water.

D.—Meteorology.

72. Rain-gauges of Symon's pattern have been prescribed for use in these provinces. The meteorological reporter will submit the district indents for rain-gauges to the Meteorological Reporter to the Government of India for compliance.

**Note.*—For reports required when famine is apprehended and during the prevalence of famine appendix A to the Famine Code should be seen.

Cf. G. G. O. no. 2902/
1-775, dated 20th
Feb. 1886.

- 73.** No observatory shall be opened at any civil hospital or dispensary until the meteorological department has first obtained the sanction or permission of the Local Government.

The use of hospitals, &c., as meteorological observatories.

Cf. G. G. O. (R. & A.) no. 1-14, dated 25th Jan. 1892, and G. O. no. 739/I-940A., dated 11th Apr. 1892.

74. At all observatories established at hospitals or dispensaries the meteorological work will form a part of the duties of the subordinate medical officer. When it has been found practicable to establish such an observatory, the subordinate medical officer employed will not be allowed to object to the arrangement, except by referring the matter to the Government. The Government will either disallow the objection or refer it for the opinion of the Meteorological Reporter to the Government of India; and it will not decide, until it has considered that officer's opinion, whether the permission to have the observatory at the civil hospital or dispensary should be withdrawn. Whenever such permission is withdrawn, sufficient time must be allowed for the Meteorological Reporter to make other arrangements.

75. When sanction is given to the establishment of an observatory at any civil hospital or dispensary, and the employment of a medical subordinate as observer, it includes sanction to the employment of the successors to that subordinate until the permission of the Local Government is withdrawn. The local administrative medical officer will, when making any change in the subordinate officers employed as observers, endeavour to provide men at such offices who can do the meteorological work properly. Civil surgeons should see, as far as possible, that when a change is made the new observer is instructed in his meteorological work by the outgoing observer, and that the latter does not hand over charge until the new observer can do the work of observation properly.

76. When an observatory has been opened at any civil hospital or dispensary, the meteorological department shall correspond with the medical subordinate acting as observer through the civil surgeon or other officer appointed to act as superintendent of the observatory, or with the observer directly if there be no superintendent.

77. Endeavour should be made to secure permanency of site and exposure for all meteorological observatories; and with this view the site of each meteorological observatory should, so far as may be possible, be assigned in perpetuity to the department. No action which involves a change of site or of the conditions of exposure in such an observatory should be permitted if it can be avoided without material inconvenience; and in every case, before deciding upon such action, an opportunity should be afforded to the Meteorological Reporter to the Government of India of stating objections to the change. Whenever, therefore, local authorities wish to make any change in hospital or other buildings under their charge which will necessitate a change in the site or conditions of exposure of a meteorological observatory, they should first refer their proposals for the orders of the Local Government. All such references will be referred to the Meteorological Reporter to the Government of India for report before final orders are passed upon them, and these orders will in all cases be communicated to him.

Cf. G. G. O. (R. & A.) no. 20/43-1, dated 2nd July 1893.

E.—Trigonometrical survey stations.

Cf. G. O. no.
582/I-3A., dated
26th Apr. 1889.

78. Stations consist of two distinct portions—the central pillar, which contains the mark-stones and on which instruments are placed for observations, and the external walls or platform, which are intended to carry the observatory tent and observers. The external walls are liable to give way during the rains, and this is attended with the inconvenience of requiring a surveyor to rebuild the platform before he can commence work; on the other hand, the *débris* acts as a protection to the central pillar and conceals the ground-level mark-stone from view. When this happens, people fancy that the station is destroyed; and instances have occurred in which, under this supposition, not only the *débris* of the fallen platform but the pillar itself have been broken up and carried away by the villagers for building purposes. But so long as the mark-stone in the centre remains undisturbed, the utility of the station for survey purposes remains unimpaired. Hence a station, even when apparently in ruins, should be cared for and protected from wilful injury, and this was the main object contemplated when the stations were placed under the charge of the local authorities.

79. It is not necessary that the stations should be kept in thorough repair or prevented from falling into ruins by a large expenditure of money. A few simple measures can be taken for the protection of the pillars and platforms from the weather and the preservation of the mark-stones from mischief. These measures are—

(1) *Hollow towers of pakka masonry.*—Stop all cracks in the platform with mortar, close the trap door and prevent rain from getting into the interior of the tower; block up the windows, and more particularly the door in the basement. The ladders need not be renewed. If the roof comes down, the *débris* should be shaped as a conical pile over the basement covering the pillar, also when one has been erected as indicated in (6), and drain-holes should be cut in the walls to carry out the rainfall.

(2) *Solid towers of kachcha masonry with a central solid pakka pillar.*—When the kachcha masonry work is still standing and in good order, stop with mud all cracks through which water may percolate to the pillar, and cover over the summit of the tower with a pile of earth, sloped away so as to carry off the rainfall over the sides of the tower and prevent it from lodging inside. When the kachcha masonry has entirely fallen, shape the ruins into a pyramidal mound round the pakka pillar as a centre for its protection from the weather and from wilful mischief. When the kachcha masonry has fallen down on one side only, pull it down on the other side, or it will be liable to overthrow the pillar by its weight. Cut down all trees and jungle growing over the station.

(3) *Solid towers of kachcha masonry, with a central perforated pakka pillar.*—The measures should be precisely similar to what has been described in the last sub-paragraph, with the addition that the entrances to the vaulted passages leading to the ground-level mark-stone ought invariably to be blocked up as solidly as possible, should they be found open.

(4) *Low platforms of kachcha materials with a central solid pakka pillar.*—Repair the platform, remove vegetation, and construct a

pyramidal pile of earth and stones, with a base of about 7 feet square and height of 5 feet over the pillar and partly resting on the platform.

(5) *Pakka pillars, circular above and square below.*—Block up the entrances of passages leading to the mark-stone, and prevent rainfall from lodging anywhere in the vicinity of the pillar. Dig a trench around and throw the earth against the base of the pillar.

(6) *Pakka pyramidal pillars about 2 feet square at base and $3\frac{1}{2}$ feet high.*—Cover over with a pile of earth and stones as in (4).

(7) *Trestle and post stations.*—When much washed down or broken away, restore the earthen mound by adding fresh earth brought from a short distance beyond the base of the mound. Thorny shrubs should be planted on the mound and encouraged to grow, but large trees should be extirpated.

Note.—The above instructions are also applicable to cases in which the survey station is not precisely of any of the forms indicated, but is a modification of some previously existing building, as a tower or mosque or temple.

80. In certain cases a large expenditure is allowable to prevent the entire destruction of a station by special causes, as the action of a river. Reports of such cases should be made to the trigonometrical survey office.

81. District officers are expected to prosecute and punish all persons who can be proved to have perpetrated any mischief to any station.

82. District officers are authorized to expend for the protection of each station a sum not exceeding on an average Rs. 4 a year; outlay in excess of this amount should not be incurred without special authority of the Superintendent of the Great Trigonometrical Survey. Payment should be made on a receipted bill, accompanied by a separate receipt: the bill should be sent by the treasury officer to the Superintendent of the Survey; the separate receipt will support the charge in the district account.

83. Besides the principal stations a number of bench-marks have been fixed in the course of the spirit-levelling operations of the Great Trigonometrical Survey. These should be protected by the local authorities, as they are of value for reference in projects for canals and other engineering works.

84. All letters and returns on the subject of the survey stations should be addressed to the officer in charge, Trigonometrical Office, Survey of India, Dehra Dun.

II.
Appointment Department.

II.—APPOINTMENT DEPARTMENT.

Contents.

CHAPTER.	PARAGRAPHS.
VII.—The provincial civil services -	
General instructions	101—102
Deputy collectors	103—135
Subordinate judges and munsifs	136—150
The provincial services and posts reserved for the	
Covenanted Civil Service	151—157
VIII.—Cantonment magistrates	158—161
IX.—Assistant surgeons	162—168
X.—Leave—	
General rules	169—177
Privilege leave	178—180
Furlough	181—182
Medical leave	183—186
Casual leave	187—194
XI.—Miscellaneous orders—	
Definitions of “gazetted officer” and “civil surgeon” ..	195—196
Extension of service of gazetted officers	197
Inspector-General of Police	198
Emoluments of settlement officers	199—200
Deputation allowance	201
Employment of Europeans	202—209
Reports on officers	210—212
Deaths of officers	213—215
Procedure on transfer	216—217
Charge certificates	218—220
Rules regarding the stay of certain officers in the hills	
during the hot weather and rains	221—220

II.—APPOINTMENT DEPARTMENT.

Chapter VII—The provincial civil services.

A.—General instructions.

101. The Governor General in Council has invested Local Governments with the power to make rules for the recruitment of the provincial civil services without the previous sanction of the Government of India, but subject to their general control. The general conditions which should govern such recruitment are as follows :—

Cf. G. G. O.
(H. D.) no. 1046,
dated 19th Aug.
1910.

I.—The rules must be adapted on the one hand to obtain thoroughly efficient candidates, and on the other, to secure the due representation in the public service of the different classes of the community.

II.—Every candidate for appointment by recruitment must furnish satisfactory evidence—

(a) that he is not over 25 years of age, except in the case of barristers, advocates, or pleaders appointed to the judicial branch: these excepted cases will be governed by article 51 of the Civil Service Regulations ;

(b) that he has attained a prescribed preliminary standard of general education to be fixed by Local Governments with reference to local conditions, the object being to secure men qualified by as high a standard of general education as the conditions and requirements of the local administration permit. In particular, qualification in one or more of the vernacular languages of the province in which he is to be employed is to be insisted on. The vernacular standard should be a high one, involving a thorough knowledge of the language and ability to write and read the written character with facility ;

(c) that he is of sound health, good physique, and active habits ; and

(d) that he is of good character.

III.—Every person appointed to the provincial civil service by direct recruitment shall be subject to a period of probation or training during which time his appointment will be probationary only, unless in special cases the Local Government declares such probation or training to be unnecessary.

IV.—The subjects of native princes in alliance with His Majesty shall be eligible for appointment, provided they are qualified in other respects.

V.—Admission to the provincial civil service should usually be confined to persons who are natives of the province or have definitely settled in it ; in the case of candidates who are not natives of the province recent residence of at least three years in the province should, as a general rule, be an essential condition of admission. No barrister, advocate or pleader should be appointed as such, unless he has been at least three years actually practising his profession in India and can speak the provincial vernacular.

VI.—Europeans who are not statutory natives of India shall be eligible for appointment, if qualified according to the above conditions, with the sanction of the Government of India.

VII.—The Local Government should reserve to itself the right to make promotion to the superior grades of the provincial civil service without regard to seniority, and seniority alone should not give a claim to appointment to the grade of Rs. 500 a month and higher grades.

VIII.—The Government of India retain power in very special cases to make direct appointments to offices in the higher grades of the provincial civil services, and whenever the Government of India exercise this power in the case of judicial officers, it will be confined to barristers, advocates, or pleaders of the High Court who have shown distinguished ability in the exercise of their profession for not less than ten years and have a thorough knowledge of the vernacular.

IX.—No member of the provincial civil service shall be dismissed otherwise than on the result of a judicial or formal departmental inquiry.

102. Any change made in the rules from time to time will be forthwith communicated to the Government of India in the Home department.

B.—Deputy Collectors.

Cf. G. O. no.
1904/II—592, dated
4th July 1903.

103. The United Provinces provincial civil service, in the revenue branch, consists of probationary deputy collectors, and deputy collectors of all grades. Tahsildars belong to the subordinate revenue service.

Cf. G. O. no.
344/II—57, dated
28th Jan. 1909,
and no. 5816/II—67,
dated 6th Dec. 1910.

104. The following rules and instructions regulate the appointment of deputy collector, whether by promotion from the subordinate service, or by recruitment of persons not already in government service.

105. It is estimated that 19 appointments in all on an average can be made annually on the cadre of deputy collectors, and 19 probationers can be appointed in place of the men appointed to the cadre. One half* of the total number of appointments as probationers will be made annually by promotion from the subordinate services. In making appointments under this rule the Lieutenant-Governor is prepared to receive nominations from the Board of Revenue.

106. The total number of appointments by promotion will not ordinarily exceed ten and nine in alternate years. The Board shall recommend nominees, who shall as a rule be tahsildars, and shall in no case be other than executive officials, though not necessarily of the revenue branch.

107. The age of an officer nominated under the preceding rules should not ordinarily exceed 45 years. Nominations should be made on the 1st September.

II.—By recruitment of persons not already in government service.

Rule 4
following manner

108. Nine and ten probationary deputy collectorships will be filled in alternate years by the appointment of persons selected ordinarily in the

* Viz. 10 and 9 in alternate years.

109. The appointments will ordinarily be distributed thus between

Rule 5. four classes of candidates, viz. (a) graduates possessing all the qualifications set out in rule 6; (b) graduates possessing the first seven of the qualifications set out in rule 6, who are members of a family that has done good service to the State; (c) graduates possessing the first seven qualifications set out in rule 6; (d) Europeans and Eurasians who are graduates of the Allahabad University, or failing such graduates other suitable candidates from European schools, possessing the 1st, 3rd, 4th, 5th and 7th of the qualifications set out in rule 6.

The Government reserves to itself the power to distribute the appointments available each year among the different classes in the manner that appears to it to be desirable, but ordinarily at least three appointments will be made under (a) and probably two each under (b), (c), and (d), provided that sufficient duly qualified candidates are available in each of these classes.

110. The qualifications are—

(1) that the nominee is a natural born subject of His Majesty, or of a native prince in alliance with His Majesty;

Rule 6.

(2) (a) that he is a native of the United Provinces, or that he has definitely settled in the province; and that he has resided in the province for at least three years;

(b) that he is a graduate of the Allahabad University;

NOTE.—Europeans not coming within the statutory definition of "native of India" (33 Vict., chapter 3, sec. 3) may, if otherwise eligible under these rules, and on sufficient cause existing for their appointment, be admitted to office under these rules, with the previous sanction of the Government of India in accordance with the Government of India (Home department) letter no. 21/747, dated the 18th April 1879.

(3) that he is able to speak the vernacular language of the province and to read and write at least one vernacular character with facility, having a thorough knowledge of the language;

(4) that he is not under 20 or over 25 years of age;

(5) that he is of sound health, good physique, and active habits and free from any organic defect or bodily infirmity;

(6) that he is able to ride;

(7) that he is of good character; and

(8) that he is a member of the family of a taluqdar, or large landed proprietor.

In the case of classes (a) and (b) of rule 5 the diploma of the higher course at the Mayo College, Ajmer, will be accepted in place of a degree.

111. Nominations for classes (a) and (b) of rule 5 may be made annually on the 1st September by the following officers, the

Rule 7. nominations of Commissioners of divisions being submitted to the Government through the Board of Revenue—

Members, Board of Revenue	2
Commissioners of divisions, one each	9
	—
Total	11

112. Every nomination shall be accompanied by the following documents :—
Rule 8.

- (1) a medical certificate in accordance with the requirements of article 49 of the Civil Service Regulations ;
- (2) a certificate of character and conduct, signed by the principal of the institution at which the nominee last studied for not less than one year, or by some responsible officer of the Government ;
- (3) a certificate of the nominee's ability to ride, signed by the officer recommending the nominee or by a district officer ;
- (4) a memorandum showing the status or the services, or both, of the family to which the nominee belongs.

113. A nominee will be required to furnish evidence to prove his age to the satisfaction of the nominating officer, who in judging of the sufficiency of the evidence furnished will have regard to the rules regarding natives of India proceeding to England for the Indian Civil Service examination.
Rule 9.

NOTE.—See appendix 9.

114. The nominee of the Commissioner must be a resident of his division and a representative of its leading landowners or of a family with a record of good service.
Rule 10.
In making nominations special attention should be paid to physical and social qualifications, and family claims. If in any year no person with qualifications sufficient to justify selection under this rule is found in a division, a nomination should *not* be made.

115. Selections of candidates in classes (c) and (d) of rule 5 will be made by the Government.
Rule 11.

Probationary deputy collectors of class (d) will be required to obtain within one year of appointment a riding certificate from the district officer under whom they are serving. Failing this certificate they will be liable to removal.

116. The Government may at any time select candidates whom it deems suitable for appointment, if it considers it necessary, either in place of or in addition to the candidates recommended to it. Such candidates may be appointed as probationers or to any permanent grade.
Rule 12.

117. Deputy collectors on first appointment will ordinarily be classed as "probationers." But in exceptional cases and for special reasons appointments may be made direct under rule 12 to any permanent grade. Deputy collectors so appointed will not be confirmed till they have passed the departmental examination prescribed for probationary deputy collectors.
Rule 12A.

118. Probationary deputy collectors other than those appointed from the subordinate services will be placed under training for one year. On first appointment they will be attached to districts for the purpose of making themselves acquainted, under the supervision of sub-divisional officers, with the various departments of work with which a deputy collector has to deal. They will examine patwaris' papers, will make such local inquiries as can be entrusted to
Training during period of probation.
Rule 13.

Cf. G. O. no. 4537/II—13D., dated 20th Oct. 1903, and no. 1904/II—592, dated 4th July 1893

them, will be given an opportunity to study the working of a tahsil and be initiated generally into district work. If possible, they will be attached for a time to a deputy collector employed on the revision of records. For the rest of the year they will be kept at head quarters, where they will learn judicial work under the guidance of the district officer, who should closely supervise their proceedings. The district officer is responsible that they are properly trained in all branches of their work. After the departmental examination in October they will attend a training class for instruction in revenue work.

119. Departmental examinations for probationary deputy collectors

Examinations.

will be held twice a year, in April and October, at Lucknow, and travelling allowances for attending

Rule 14.

these examinations may be drawn under the regulations. All officers who have held their appointments for six months must present themselves at every examination held until they have passed.

Notes 1.—Probationary deputy collectors who as tahsildars qualified at the examination for tahsildars held before October 1902, or since that date have passed by the higher standard in judicial, revenue, Urdu, Hindi and civil law are exempted from further examination in these subjects, but must pass the examination in treasury and local funds accounts.

2.—As a rule exemptions otherwise than as above provided will not be granted, but the Government reserves to itself the power of specially exempting from the departmental examinations any person who has held the office of tahsildar for not less than ten years and has been promoted for meritorious service. An officer exempted from passing the departmental examination in treasury and local funds accounts must not be put in charge of a treasury (vide paragraph 1435).

120. Probationary deputy collectors will be entered on the list of

Period of probation.

probationers in order according to the date of their appointments.

Rule 15.

121. The period during which a probationary deputy collector

Rule 16.

appointed by recruitment will remain on probation is fixed at two years. That period will embrace two April and two October examinations. A probationer promoted from the subordinate service will be confirmed upon completely passing his departmental examination, or so soon thereafter as a vacancy occurs.

122. If it appears from the results of the first examination held,

Rule 17.

or of any subsequent examination, that a probationary deputy collector has not made sufficient use of his opportunities, or if he has otherwise failed to give satisfaction, his services will be dispensed with, or he will be reverted to his substantive appointment if he holds one.

123. A probationary deputy collector will on first appointment

Rule 18.

receive pay at Rs. 100 per mensem, on passing the departmental examination by the lower standard he will receive pay at Rs. 150 per mensem, and on passing by the higher standard, and on being favourably reported on by the district officer and Commissioner, pay at Rs. 200 per mensem. Provided that a probationer appointed by promotion under rule 1 will receive the pay he was drawing at the time he was promoted (subject to a maximum of Rs. 250) or the pay noted above, whichever may be the greater.

124. At the termination of his period of probation any probationer

Rule 19.

who has not fully passed the departmental examination for deputy collectors will be removed from the

list of probationary deputy collectors, unless he can prove to the satisfaction of the Government that his failure to qualify has been due to serious illness or other sufficient reason, in which case he may be granted an extension of probation for six months to enable him to appear at a further examination. In no case will more than one extension be allowed.

125. Promotion to and gradation in the 7th grade of deputy collectors will, on vacancies occurring in that grade, be determined ordinarily by the date on which

Promotion.

Rule 20. Probationary deputy collectors satisfy the two conditions of (1) completion of the period of probation and (2) passing their examination completely, and in the case of those who satisfy the conditions at the same time, by the date on which they were appointed probationers.

NOTE.—When more than one probationary deputy collector is appointed on the same date a specific order regulating seniority so far as this is dependent on date of appointment will be passed.

126. Promotions up to the 5th grade of deputy collectors will ordinarily be given by seniority. Promotion to the 4th grade and higher grades will be awarded strictly

Rule 20A.

by selection.

127. The full sanctioned staff of permanent deputy collectors is 222, but pending the transfer of two posts of joint

Postings and transfers.

Rule 21.

magistrates to the provincial service, the number that can be appointed is limited to 220. The sanctioned number of probationary deputy collectors is 28. The cadre includes a temporary reserve for deputations on land acquisition work, settlement appointments and appointments as managers of court of wards estates.

Cf. G.G.O. (H. D.)
no. 503, dated 7th
May 1907.

Cf. G. O. no. 3392/
N—377, dated 6th
July 1893; and
G. G. O. (H. D.)
no. 455, dated 11th
Sept. 1903, and
no. 503, dated 7th
May 1907.

In part XXX of the civil list a scale is given showing the number of gazetted officers considered necessary for the administration of each district. The Government will, in correspondence with Commissioners, and to the extent that officers are available, post to each district the sanctioned staff of gazetted officers. When the special circumstances of a district demand it, the Lieutenant-Governor is prepared to allow a temporary increase above the sanctioned scale if an officer is available, but it must be remembered that the strength of the cadre is fixed, and that the appointment of temporary deputy collectors for short periods can only be made under special circumstances (e.g. for famine purposes) and cannot be made for any purposes for which a reserve is already provided in the sanctioned strength of the service.

128. When a deputy collector or probationary deputy collector is posted to any district the Collector of the district

Rule 22.

shall take steps to ascertain whether there is any objection on the ground of family or other interests to the presence of the deputy collector in his district, and shall, if necessary, report the result of his inquiries to the Commissioner for the information of the Government.

129. Commissioners are authorized to transfer deputy collectors within their divisions, provided that the district

Rule 23.

from which a deputy collector is transferred has not a staff in excess of the sanctioned scale.

Cf. G. O. no. 1551/
II—704B. dated
10th May 1898.

Transfers from one division to another will be made under the orders of the Government, but it will be for Commissioners to recommend such transfers. Deputy collectors are forbidden to address the Government direct on the subject of their transfer. Proposals for transfers should be embodied in the reports which Commissioners are required to make to the Government at the end of August and the end of January in each year regarding the probable state of the staff in their divisions in the ensuing cold and hot weathers. They may however in urgent cases be made at any time. In making recommendations Commissioners will consider the home of the officer, and the districts in which he has served, so that he may be posted to a division in which he will be most useful. Frequent transfers should be avoided, and it is desirable that, except in special circumstances, a deputy collector should serve at least five years in the division to which he is attached.

130. (1) Commissioners are authorized to grant leave for periods not exceeding six weeks to deputy collectors serving in districts in their divisions where the staff is not in excess of the sanctioned scale, and provided that a substitute from outside the division is not required.

Leave.

Rule 24.

(2) Deputy collectors intending to apply for leave or extension of leave requiring the sanction of the Government should whenever possible intimate their intention to Commissioners, through their Collectors, (a) if the leave is required during the hot weather or rains—by the 1st January, (b) if the leave is required during the cold weather—by the 1st August. Commissioners' recommendations as to the grant or refusal of the leave to be asked for will be included in their reports to the Government regarding the staff of their divisions, at the end of January and at the end of August in each year.

(3) The reserve to meet leave vacancies when a substitute is required is 27, and more than 27 deputy collectors cannot therefore be absent at the same time, unless their work can be arranged for without a substitute.

Deputy collectors are forbidden to address the Government direct on the subject of their leave.

131. Commissioners should at once report to the Government any grave dereliction of duty which in their opinion requires the orders of the Government, and is deserving of temporary stoppage of promotion.

General.

Rule 25.

132. Commissioners are expected to keep themselves acquainted with the work of the deputy collectors in their divisions. Special attention should be paid by them and district officers to the work and character of probationary deputy collectors, in confirming or reverting whom the Government is necessarily guided by the reports received.

Rule 26.

133. Deputy collectors are forbidden to address the Government direct on the subject of their promotion. Any representations they desire to make on this matter must be addressed through the Collectors concerned to Commissioners of divisions, who will forward them to the Government.

Rule 27.

134. The selection of deputy collectors or tahsildars for settlement or special duty connected with the court of wards will, as heretofore, remain in the hands of the Board of Revenue. The orders for the deputation of deputy collectors to this duty will be notified by the Government.

Cf. G. O. no. 5827/II—288A, dated 23rd Dec. 1892, and no. 4887, dated 8th Dec. 1904.

135. The following rules have been issued in order to prevent the disuse of English in their judicial and other work by deputy collectors, who have obtained their appointment largely on the ground of their acquaintance with the English language:—

Rule 28. (1) All deputy collectors are classified in three categories, viz.—

(i) those who have a good practical knowledge of English for purposes both of reading and writing, and are capable of doing all their work in English.

(ii) those who know English sufficiently to carry on the duties of a treasury officer, though not enough to do all their work in that language.

(iii) those who do not know English at all or not sufficiently to be placed in class (ii).

Cf. G. O. no. 3589/II—67, dated 8th Aug. 1910.

(2) The names of officers in the first class will appear in the civil list without any letters after their names, but the names of officers in the second class will be distinguished by the letter T., and those in the third by the letter V.

(3) All officers appointed in future to be probationary or substantive deputy collectors will be placed according to their attainments in English in one or other of the three classes.

(4) The deputy collectors placed in the first category are expected to record their decisions, reports and other similar work in English, and failure to do so may affect their promotion.

(5) It should be distinctly understood that a knowledge of English gives no deputy collector any claim to supersede deputy collectors who do not know English. All deputy collectors will, as hitherto, be borne on one list, and will receive promotion according to their standing on the list, if otherwise qualified for it. The only effect of the rule is that deputy collectors with an adequate knowledge of English will be liable to be superseded if, in writing their decisions or carrying out other work where English can usefully be employed (such as writing reports), they abandon the use of English.

C.—Subordinate judges and munsifs.

Cf. G. O. no. 4065 and 4150/II—592, dated 12th Dec. 1894, and 22nd Dec. 1894 and no. 73/II—861, dated 10th Jan. 1911.

136. The United Provinces provincial civil service includes in the judicial branch the offices of subordinate judge, of judge of a court of small causes (with the two following exceptions), and munsifs. The posts of judge of the small cause court at Allahabad and at Lucknow are appointments to which members of the United Provinces provincial civil service can properly be appointed, subject to the rules for the time being in force under 33 Victoria, chapter 3, section 6; but the appointments are not on the list of appointments allotted to the United Provinces provincial civil service and are not dealt with in these rules. The subordinate service in the judicial branch includes the office of munsarim from the highest grade downwards and the ministerial officers of the civil courts and of the Legal Remembrancer's office.

General.

Rule 1.

137. Admission to the United Provinces provincial civil service in the judicial branch will be—

Rule 2.

- (a) by recruitment, i.e. by appointment of persons other than deputy collectors [vide rule 8 (7) (iii)] not already in government service ;
- (b) by promotion from the subordinate service.

138. Nominations to the office of munsif in the Province of Agra

Rule 3.

are made by the High Court of Judicature for the North-Western Provinces under section 7 of the Bengal, North-Western Provinces and Assam Civil Courts Act, 1887, and the persons so nominated are appointed by the Local Government. The Local Government will, in communication with the High Court or the Judicial Commissioner of Oudh, as the case may be, select the persons to be appointed, and appoint munsifs in Oudh, judges of small cause courts, and subordinate judges.

139. In making nominations and appointments the High Court

Rule 4.

and the Local Government will endeavour to secure the due representation of the different classes of the community, and will give preference, in selecting from among qualified candidates, to the following persons :—

- (a) natives of, and persons domiciled in, the United Provinces ;
- (b) persons of superior educational attainments, such as graduates of an Indian university ;
- (c) members of families of tried loyalty and distinguished service, good social status, and influence in the country.

Rule 5.

140. First appointments under these rules will be made to the lowest grade of munsif.

141. The Government of India has retained power in very special cases to sanction direct appointments to offices in the higher grades of barristers, advocates, vakils or pleaders of the High and Chief Courts (inclusive of

Rule 6.

the Judicial Commissioner's court) who have shown distinguished ability in the exercise of their profession for not less than ten years, and have a thorough knowledge of the vernacular.

142. Under section 7(2), the Bengal, North- Western Provinces and Assam Civil Courts Act, 1887, the rules in paragraphs 143 to 145 as to the qualifications of persons

Qualifications for the office of munsif.

Rule 7.

to be appointed to the office of munsif in the Province of Agra have been made. The same qualifications are prescribed for candidates for the office of munsif in Oudh.

143. The qualifications for appointment by recruitment shall be—

- (1) that the candidate is a native of India as defined by 33 Victoria, chapter 3, section 6, or that he is a subject of a native prince in alliance with His Majesty: or if
- (a) Appointment by recruitment.
- Rule 8.
- he is a European, other than a native of India, that the previous sanction of the Government of India has been obtained to his appointment;

- (2) that he has recently resided in the United Provinces for at least three years

- (3) that he is not under twenty or ordinarily over thirty on his last birthday ;
- (4) that he is of sound health and good physique ;
- (5) that he is of good character ;
- (6) that he has a thorough knowledge of the vernacular, can read and write Hindustani (Urdu) in the Persian character, and can read and write English ; and
- (7) that he belongs to one of the following classes of persons :—

- (i) advocates, attorneys or vakils on the rolls of, and entitled as such to practise in, the High Court of Judicature for the North-Western Provinces, advocates or pleaders on the rolls of, and entitled as such to practise in, the Judicial Commissioner's court in Oudh :

provided that they have actually practised their profession for at least three years in India ;

- (ii) persons who—

- (a) have obtained the degree of Bachelor of Laws of the Allahabad University ; or

- (b) have obtained a certificate of the examination board that they have qualified for admission as vakils of the High Court of Judicature for the North-Western Provinces, and have for a period of three years practised as vakils or as pleaders in any court subordinate to the High Court for the North-Western Provinces, or as pleaders in any court subordinate to the Court of the Judicial Commissioner of Oudh ;

- (iii) persons who have for a period of three years held the office of deputy collector or of district government pleader in the United Provinces :

provided that a deputy collector shall not be eligible for appointment unless he has been admitted as a pleader or holds a certificate of the examination board that he has qualified for admission either as a pleader or as a vakil of the High Court of Judicature for the North-Western Provinces.

144. Appointment by promotion to the office of munsif under this sub-division of the rules will be made, as a reward for meritorious service, from the subordinate service of the provinces.

(b) Appointment by promotion.

Rule 9.

145. The qualifications shall, in addition to the qualifications prescribed in rule 8 [sub-heads (3) and (7) alone excepted] be—

- (1) that the candidate has for a period of three years held one of the following offices :—

Rule 10.

Tahsildar ;

Deputy registrar
Judgment writer

} of the Court of the Judicial Commissioner.

Translator ... } in the High Court or in the Court of the
Reader ... } Judicial Commissioner;
Decree writer ... }

Munsarim of any civil court;

Registrar of a court of small causes;

Head assistant of the Legal Remembrancer's office; and

(2) that he—

(a) has obtained the degree of Bachelor of Laws of the Allahabad University; or

(b) prior to 1st January 1892 has obtained the degree of Bachelor of Laws of the Calcutta University; or

(c) has been admitted as pleader, or holds a certificate of the examination board that he has qualified for admission either as a pleader or as a vakil of the High Court of Judicature for the North-Western Provinces.

146. The examination board referred to in rules 8 and 10 is the board for the examination of candidates for admission as vakils of the High Court and as pleaders, appointed under the rules of the High Court of Judicature for the North-Western Provinces, and under section 37 of the Legal Practitioners Act, 1879.

Miscellaneous.

Rule 11.

147. On first appointment under rules 8 to 10 to any office in the judicial branch of the United Provinces provincial civil service the person appointed as munsif will be considered to be on probation for one year, unless in special cases the Local Government declare such probation to be unnecessary. At the end of that period, should the report of his probation be unsatisfactory, his further service may be discontinued. Should the report be satisfactory, he will then be confirmed.

Rule 12.

148. Save in the case of appointments to higher offices made under the rules framed under 33 Victoria, chapter 3, section 6, promotion from one grade or class of office included in the United Provinces provincial civil service to a higher will ordinarily be regulated by seniority, qualified by fitness and merit. Seniority, however, shall give no claim to any appointment on Rs. 500 per mensem or more.

Rule 13.

149. Subject to the provisions of section 28 of the Bengal, North-Western Provinces and Assam Civil Courts Act, 1887, no member of the United Provinces provincial civil service shall be dismissed otherwise than on the result of a judicial or formal departmental inquiry.

Rule 14.

150. The High Court and the Judicial Commissioner of Oudh have been empowered to make grade promotions and grade reversions of munsifs and subordinate judges except in the case of promotion from the second to the highest grade of subordinate judges.

Promotions and reversions.

Cf. G. O. no. 1090/II—217, dated 11th March 1908, and no. 5361/II—914, dated 11th Nov. 1910.

When any order passed by the High Court or the Judicial Commissioner for promotion or reversion among munsifs and subordinate judges adversely affects the position of an officer in service it shall be appealable

to the Local Government; subject to the revisional powers of the Government of India, the order of the Local Government shall be final.

D.—The provincial services and posts reserved for the Covenanted Civil Service.

Cf. G. G. O. no. 1128, dated 26th Aug. 1910.

151. In virtue of the power conferred by section 6 of the Government of India Act, 1870, (33 Victoria, Chapter 3), the following rules have been sanctioned.

Appointment of natives of India to posts reserved for the Covenanted Civil Service.

152. The Local Government may appoint any member of the provincial civil service subordinate to it, who is a native of India, and of proved merit and ability, to any of the offices, places, and employments ordinarily held by members of the Civil Service of His Majesty in India to fill which it has been* declared by such Local Government (by notification in the official gazette) that members of such provincial civil service can properly be appointed.

Rule 1

153. The Local Government may at any time appoint any native of India of proved merit and ability to any of the offices, places, and employments specified by such Local Government in any such notification as in rule 1 is mentioned; provided that not more than one-fourth of the offices, places, and employments so specified shall at any one time be held by natives of India not members of the provincial civil service subordinate to the Local Government; but this proviso shall not apply to or include any native of India (not a member of a provincial service) who has, prior to the making of these rules, been appointed under section 6 of the Government of India Act, 1870, (33 Victoria, Chapter 3), to an office, place, or employment in the Civil Service of India.

Rule 2.

154. In addition to appointments made under rules 1 and 2 the Local Government may, whenever the exigencies of the public service render it necessary, appoint to

Rule 3.

Cf. Notification no. 115/II—592, dated 12th Jan. 1893, and no. 4779/II—490, dated 30th Sept. 1909.

* *Notes* 1.—The posts notified are—five posts of District and Sessions Judge, two posts of Collector and Magistrate of a district, one post of Junior Secretary to the Board of Revenue, two posts of judges, small cause courts, Allahabad and Lucknow, one post of assistant director of land records and agriculture and two posts of assistant settlement officers; the pay of these posts is:—

District and Sessions Judge, 1st grade Rs. 2,000, 2nd grade Rs. 1,600, 3rd grade Rs. 1,200 and 4th grade Rs. 1,000; judge, small cause court, Rs. 800—1,000; Magistrate and Collector, 1st grade Rs. 1,600, 2nd grade Rs. 1,200, 3rd grade Rs. 1,000; Junior Secretary, Board of Revenue, grade pay *plus* Rs. 150; assistant settlement officer, 1st grade, Rs. 700, 2nd grade Rs. 500; assistant director of land records and agriculture, Rs. 400—500.

These rates of pay are liable to alteration at any time should the interests of the public service require it.

2.—In addition to these appointments the following appointments will as they become available be thrown open to the provincial service and added to the existing grades of that service:—

Four posts of joint magistrate, and assistant commissioner, 1st grade.	To be converted into	Four posts of deputy magistrate and collector, 3rd grade, on ..	Rs. 600
Five posts of joint magistrate, and assistant commissioner, 2nd grade.		Five posts of deputy magistrate and collector, 5th grade, on ..	
			400

any of the offices, places, or employments ordinarily held by members of the Civil Service of His Majesty in India, for a period not exceeding three months, any native of India of proved merit and ability; provided that the appointment of any such officer shall not involve his transfer from another district.

155. The Local Government may declare any appointment to be made on probation only and may prescribe the terms on which it is made and the conditions with which

Rule 4. the person appointed must comply before he can be confirmed.

156. The Local Government may at any time suspend and remove any person appointed by such Local Government under these rules.

Rule 5.

157. For purposes of temporary grade promotions seniority, as between provincial civil service officers and members of the Indian Civil Service, shall be determined by the rate of substantive pay drawn; the officer in receipt of the higher substantive pay taking precedence of the officer in receipt of the lower.

As between officers in receipt of the same substantive pay priority shall be determined by the date on which the rate of pay in question was first allowed.

Cf. G. G. O. (H. D.) no. 849, dated 12th Aug. 1908.

Chapter VIII.—Cantonment magistrates.

cf. G. G. O. (H. D.) no. 840, dated 11th June 1906.

158. The cantonment magistrates' department is under the control of His Excellency the Commander-in-Chief under the following conditions:—

(1) The appointment of cantonment magistrates is made by Local Governments under section 6 of the Cantonments Act, 1910, and section 12 of the Code of Criminal Procedure. Officers desiring to enter the cantonment magistrates' department are nominated by His Excellency the Commander-in-Chief.

(2) All communications relating to cantonment magistrates should be addressed to the Quarter-Master-General.

(3) The Quarter-Master-General will make proposals to the Local Governments concerned for the posting, leave and transfer of cantonment magistrates. In making his proposals he will have regard to the qualifications of the officer concerned as indicated, *inter alia*, by the magisterial powers with which he has been invested. If the Local Government does not approve the action proposed by the Quarter-Master-General in any particular case, the view of the Local Government will prevail, but the Quarter-Master-General may refer the matter to the Government of India. Similarly, should the Local Government, of its own motion, propose the transfer of a cantonment magistrate within its own jurisdiction, the Quarter-Master-General will be bound to comply with the request and to carry out the necessary arrangements, but may refer the matter to the Government of India. In all such cases the final decision of the Government of India will be communicated to the Local Government by the Home department.

(4) The full control of the Local Government over a cantonment magistrate in his magisterial capacity while actually serving in the province will be recognized by the Lieutenant-General Commanding.

(5) If a Local Government desires to recommend the removal of a cantonment magistrate from the department on the ground of misconduct or inefficiency, the procedure laid down in the Home department resolution no. 5 Pub. 1—234—52, dated the 28th February 1897, will be followed.

(6) The civil and military authorities will arrange for the interchange of the annual confidential reports on cantonment magistrates, and the reports furnished by district officers will be amplified so as to include remarks on the tact and temper of the cantonment magistrates concerned with special reference to their attitude towards the civil authorities and the native population (*cf.* paragraph 211).

159. An officer who has not passed the preliminary examination for admission to the department will only be permitted to act as a magistrate or assistant magistrate for a period of three months, unless exceptional circumstances justify his retention beyond that period.

160. The grant of furlough to magistrates or assistant magistrates is, during the first three years of the period of their service, regulated by military rules. After the expiry of three years they become subject to the civil leave rules.

161. The examinations to be passed by candidates for appointment to the department and by magistrates or assistant magistrates are described in the rules for departmental examinations of junior officers.

Note.—For powers as a small cause court judge paragraph 1203 should be seen.

Chapter IX.—Assistant surgeons.

Cf. G. O. no. 682/
II—250A., dated
9th March 1896.
G. G. O. (H. D.)
no. 1141-50, dated
22nd Aug. 1898.

Pay and unemployed
pay of assistant surgeons.

162. (1) The cadre of assistant surgeons is divided into grades—

					Rs.
I.	The senior grade on	..	..	..	300
II.	The 1st ditto	..	..	..	200
III.	The 2nd ditto	..	..	..	150
IV.	The 3rd ditto	..	..	..	100

(2) Supernumerary assistant surgeons receive Rs. 100 while holding temporary or officiating charges. Should the post of which a supernumerary is in charge carry local allowances, he will be entitled to receive them in addition to Rs. 100 a month, and the allowance to a supernumerary in charge of a civil station will be 20 per cent. of Rs. 350, the minimum pay of an officer of his class holding permanent charge.

(3) Assistant surgeons holding permanent appointments will draw, in addition to their grade pay, any local and other allowances attached to those appointments.

(4) An assistant surgeon who is transferred, otherwise than for misconduct, from another province in which he was holding a permanent appointment, will draw full grade pay until provided with a permanent post and will be absorbed in the first vacancy that occurs after his transfer. If transferred for misconduct, he will receive the reduced pay of the grade.

(5) An assistant surgeon on the permanent list who has misconducted himself will draw half the pay of his grade, whether employed or not.

(6) An assistant surgeon with a permanent appointment who loses that appointment otherwise than as a penalty for misconduct, e.g. by its being abolished, will receive his full grade pay till he can be provided with a permanent post and will be absorbed in the first permanent vacancy which occurs after he loses his appointment.

(7) Promotion from the 1st grade on Rs. 200 to the senior grade will be made entirely by selection and without examination.

Cf. G. O. no.
5098/II—914, dated
26th Oct. 1910.

163. The rules regarding the appointment of assistant surgeons and their further examinations are contained in the Medical Manual.

164. The Inspector-General of Civil Hospitals has been authorized to publish under his own signature in the local gazette all notifications relating to civil assistant surgeons and military assistant surgeons in civil employ, except in the case of first appointments to government service, resignations, dismissals, or appointments to the civil charge of districts. The Inspector-General of Civil Hospitals has also been authorized to promote civil assistant surgeons to the senior grade without reference to the Government.

Any order passed by the Inspector-General of Civil Hospitals for promotion or reversion among civil assistant surgeons which adversely

affects the position of an officer in service shall be appealable to the Local Government; subject to the revisional powers of the Government of India, the order of the Local Government shall be final.

165. Civil assistant surgeons appointed to be civil surgeons will be posted to any four of the eighteen second class civil surgeoncies for which they are eligible. *Cf. G. O. no. 6105/II—785, dated 12th Dec. 1908.*

166. Civil assistant surgeons when placed, in addition to their own duties, in independent charge of a detachment of native troops below the strength of a wing of a native infantry or cavalry regiment will be entitled to an allowance of Rs. 20 a month which should be regarded as a local allowance. *Cf. G. G. O. (II. D.) no. 764, dated 4th July 1905.*

167. Transfers of military assistant surgeons to other provinces will be arranged by direct communication between the Director-General, Indian Medical Service, and the Inspector-General of Civil Hospitals. *Cf. G. G. O. (II. D.) no. 168, dated 26th Feb. 1905.*

168. Military assistant surgeons in civil employ, who are required in consequence of field operations to revert temporarily to military duty, will be allowed to count the period of such duty as service towards the increments of salary admissible under article 143 of the Civil Service Regulations. This decision however gives a military assistant surgeon in civil employment no claim for pecuniary compensation on reversion to the pay of his rank when called upon for military duty. *Cf. G. G. O. (P. W. D.) no. VII, dated 7th June 1901.*

Chapter X.—Leave.

A.—General rules.

Cf. G. O. no.
1465/II—437, dated
4th Apr. 1910.

169. An officer intending to apply for leave of over six weeks' duration, whether long leave or privilege leave, should communicate the fact demi-officially to the Chief Secretary to Government by the 1st January in each year, or, when the leave is desired before the 31st March in any year, should give notice three months before the date from which the leave is wanted. All notices of intention to apply for leave of six weeks' or less duration should, if possible, be demi-officially intimated by the 1st January in each year, and in any case not less than six weeks before the date on which the officer proposes to proceed on leave.

Cf. G. O. no.
4577/II—654, dated
30th Sept. 1908.

170. Commissioners will report at the end of August and the end of January each year regarding the probable state of the staff in their respective divisions during the cold and hot weather postings. The reports should show the number of officers desiring leave, the retirements pending, the transfers necessary, and other possible arrangements, and should include a clear statement of the net number of vacancies to be filled.

Cf. G. O. no.
451, dated 26th
July 1869.

171. Applications for leave should be submitted through the Accountant-General. Leave applications to be forwarded through Accountant-General.

Cf. G. O. no. 602/
II—697B-1, dated
7th Feb. 1902.

172. Commissioners should forward all applications for leave made by settlement officers, assistant settlement officers and settlement deputy collectors to the Board of Revenue, for submission to the Government with such remarks as the Board may think fit to make.

Cf. G. O. no.
1314/I—544, dated
17th May 1904.

173. Under the provisions of clause (c) of article 841, Civil Service Regulations, the power of granting leave to gazetted officers and assistants of the survey department on deputation to these provinces in connection with land record surveys (other than the Superintendent, land record surveys) in cases in which substitutes are not required, and to non-gazetted survey officers and assistants in all cases, has been delegated to the Superintendent of provincial surveys, United Provinces, and to the Board of Revenue in cases in which substitutes are required for gazetted officers, subject to report to the Government under clause (d) of the said article. The report of the Superintendent of provincial surveys will be submitted to the Government through the Director of Land Records and Agriculture and the Board of Revenue. The Surveyor-General in India will be informed by the Government of all leave granted to gazetted officers in order that such leave may be notified in the *Gazette of India*.

Cf. G. O. no. 90/
II—998, dated 14th
Jan. 1911.

174. The Board of Revenue, United Provinces, have been empowered to grant any leave admissible under the Civil Service Regulations to gazetted officers of the opium department serving in the United Provinces and in the Behar districts.

175. Before proceeding on any leave, except casual leave, all gazetted officers must report their addresses as follows :—

Cf. G. O. no. 1141/II—12D, dated 9th Apr. 1896.

- (1) Heads of departments, covenanted officers, statutory civilians, officers holding posts ordinarily reserved for members of the Indian Civil Service, forest officers and cantonment magistrates—to the Under Secretary to Government in the appointment department;
- (2) Deputy collectors—to Commissioners;
- (3) All other gazetted officers to the heads of their departments.

176. Whenever it is found necessary to order an officer to return to India before the expiration of his leave, the instructions should be communicated to him officially through the Government of India and Secretary of State. The following procedure should be observed :—

Cf. G. G. O. (F. and C.) no. 5958 and 5904, dated 17th Oct. 1889 and 23rd Dec. 1890.

- (1) Any telegram should state whether it is desired that the officer should proceed to India at once by the quickest route, or should arrive by a specified date. In the first case, a passage from Brindisi will be secured, and the cost of the railway journey to Brindisi allowed; in the second case, if time admits, a passage will be engaged from London to Bombay.
- (2) An officer under civil leave rules, directed to proceed to India, in such circumstances, *viâ* Brindisi, will receive from the India Office before his departure £2 12s. 10d. on account of excess luggage if provided with a ticket for the ordinary train, and £1 18s. 4d. if provided with a ticket for the special express train. Officers directed to proceed *viâ* Marseilles will receive £1.
- (3) In the case of an officer who is permitted to make his own arrangements for returning to India, the allowance in lieu of passage from London will be £45, and no further payment will be made.

Cf. G. G. O. no. 2960/II—7A, dated 26th Aug. 1898.

Cf. G. G. O. no. 343/II—7A, dated 29th Jan. 1901.

177. It is not open to a member of the Indian Civil Service, consistently with the conditions of his service, to enter the paid service of His Majesty's Government in the United Kingdom without the previous sanction of the Secretary of State. An officer on furlough is for the time being under the orders of the India Office, and application for permission to accept such employment should be addressed to the Secretary of State. The principle which has hitherto guided the India Office in dealing with such applications has been to distinguish between cases of furlough on medical certificate and ordinary furlough. In the former case an officer could not be allowed to accept any employment which might interfere with his restoration to health and fitness to resume his place in the service of the Government; in the latter case acceptance of official employment, when offered, has been permitted, subject to the requirements of the public service in India, which might (as in times of war, plague, or famine) demand that the officer should be recalled to duty before the expiration of his leave.

Cf. G. G. O. (H. D.) no. 214, dated 26th Jan. 1899.

Taking up appointments while on leave.

B.—Privilege leave.

Cf. G. O. no. 1142, 2575, 2578, 3287, 1402 and 2787, dated 13th March 1908, 8th June 1908, 8th June 1908, 17th July 1908, 31st March 1910 and 13th June 1910.

178. Heads of departments have been empowered to grant and notify in part I of the gazette privilege leave for periods not exceeding six weeks to the gazetted officers named in the annexed list and to make the officiating arrangements involved provided they are local and do not involve the transfer of an officer:—

<i>Sanctioning authority.</i>	<i>Subordinate officers.</i>
Chief Justice of the High Court of Judicature, Allahabad, or the senior Judge on duty.	District and Sessions Judges, assistant sessions judges, judges of small cause courts, subordinate judges and munsifs in the province of Agra.
Judicial Commissioner, Oudh	District and Sessions Judges, assistant sessions judges, judges of small cause courts, subordinate judges and munsifs in Oudh.
Board of Revenue, United Provinces ..	Settlement officers, assistant settlement officers, and deputy collectors on settlement duty.
Inspector-General of Police	Gazetted officers of the department.
<i>Ditto</i> Registration	<i>Ditto.</i>
<i>Ditto</i> of Civil Hospitals	<i>Ditto.</i> Excluding civil assistant surgeons.
<i>Ditto</i> of Prisons	Gazetted officers of the department.
Sanitary Commissioner	<i>Ditto.</i>
Director of Public Instruction	<i>Ditto.</i>
Director of Land Records and Agriculture ..	Gazetted officers serving in the department of Land Records and Agriculture excluding officers of the Indian Civil Service.

The Conservators of Forests have been authorised to grant privilege leave for periods not exceeding six weeks to gazetted officers of the Forest department under their jurisdiction, and to make such officiating arrangements as the grant of such leave may involve.

The Commissioner of Excise has been authorised to grant privilege leave for periods not exceeding six weeks to gazetted officers of the Excise department under his jurisdiction and to make arrangements for filling such vacancies. These should as far as possible be local and not involve a transfer.

The High Court, North-Western Provinces, and the Judicial Commissioner of Oudh have been authorised to fill up an officiating vacancy in the post of munsif, resulting from the grant of leave under these orders, by the nomination thereto of a candidate on the Combs' list whether such candidate has or has not to be brought from another district, if by such nomination officiating service can be made continuous in any case.

Cf. G. O. no. 3010/II—309-12, dated 12th July 1887.

179. Officers who have taken privilege leave must not rejoin before it expires without first obtaining the sanction of the authority granting the leave, except for special reasons, which should be immediately reported. The cancellation of any unexpired portion of a gazetted officer's leave will not be notified in the gazette.

Cf. G. O. no. 1173/II—515C, dated 31st July 1900.

180. A district officer who is availing himself of privilege leave will receive due intimation of the intention of Government as to whether he will be transferred, with a view to his recording a memorandum for the use of his successor before he makes over charge of office (*cf.* paragraph 537).

C.—Furlough.

Cf. G. O. no. 611, dated 20th Feb. 1883, and G. O. (H. D.) no. 33/1319-54, dated 7th Sept. 1892.

181. As frequent changes in the *personnel* of the administrative staff attached to districts are to be deprecated as detrimental to the public service and not conducive to the acquisition of the local knowledge desirable in a district officer, a Magistrate and Collector will, as a rule, be kept in the same district for not

less than five years. Except in special circumstances, an officer on return from furlough will ordinarily be posted to such actual vacancy as may happen to be suited to his rank and pay; in determining an officer's disposal on his return from furlough, the only consideration that will be allowed to weigh is the question of how his services can best be utilised with the least possible disturbance of existing arrangements. The Government has power to regulate the times of the departure of officers on leave and of their return from leave with reference to the convenience of the public service, so that officers returning from and going on leave may, as far as possible, mutually relieve and be relieved by each other; the forfeiture of the lien upon his appointment being the consequence devolving upon any officer who may decline to accept such an arrangement.

The wishes of officers applying for furlough will, as far as possible, be complied with, but applicants must not in all cases expect to have furlough granted from and to the precise dates that may be specified by them; and the Government necessarily reserves the power to require, within reasonable limits, an applicant for furlough to take more or less leave than he applies for.

182. An officer in civil employment (including a military officer in civil employ), who accepts a high appointment, will be understood to forego the intention of applying for ordinary furlough during the two years immediately following his appointment, except under special circumstances.

Notes 1.—This rule applies to the appointments of Member of the Board of Revenue, Judicial Commissioner and Additional Judicial Commissioners of Oudh; and to the heads of the several departments of Prisons, Police, Education and Civil Hospitals.

2—As a general rule, no one will be appointed Commissioner of Excise unless he is prepared to hold the office for three years, without taking ordinary furlough during that period.

Cf. G. G. O. (F. and C.) no. 1890, dated 2nd May 1892.

Cf. G. G. O. (F. D.) no. 4341Exc., dated 11th July 1907.

D.—Medical leave.

183. Heads of departments, when submitting applications for leave out of India other than on medical certificate from gazetted officers not belonging to the Civil Service or being military officers in civil employ, should state whether the leave is necessary on account of the state of the applicant's health; and, if so, should submit a certificate, as required by the Civil Service Regulations, in support of that statement. In the absence of such a certificate, the leave out of India will be held not to have been required on account of the officer's state of health.

Cf. G. G. O. no. 831 and 1928/II—90C, dated 28th March 1893 and 8th July 1893.

184. In view of the difficulties caused by the repeated grant of leave at short intervals on medical certificate, civil surgeons and *medical boards should consider and recommend, in cases reported upon by them, the full period of leave necessary for a complete recovery, and not hold themselves bound to the period which the applicant for leave may himself desire. In order to assist medical boards in forming a correct judgement as to the general condition and prospects of the applicant's health in each case, every officer who appears before a medical board or civil surgeon with a view to obtaining a medical certificate should invariably submit a statement (certified by himself) showing all the past leave (except privilege leave) which he has enjoyed.

Cf. G. G. O. (H. D.) no. 22-818, dated 26th May 1884.

*Note.—For the orders regarding medical boards paragraphs 1371 *et seq.* should be seen.

Cf. G. G. O. no. 115/II—5A, dated 14th Jan. 1897.

185. The attention of gazetted officers applying for leave on medical certificate is invited to the necessity for submitting either (1) a medical board's report, or (2) a certificate signed by two medical officers when the applicant is unable to leave his station, or (3) a certificate from the civil surgeon countersigned by the district officer, or the Commissioner, when two medical officers are not available.

Note.—These reports and certificates should be in the prescribed form. Civil surgeons are required to keep a printed supply of the forms in their offices.

186. Before forwarding to the Accountant-General for submission to the Government an application for sick leave, the submitting officer should see that the prescribed medical certificates, together with the statement of the applicant's case, are with the papers, and no application for such leave should be forwarded without them or, in cases of urgency, a note that they are being prepared in proper form.

E.—Casual leave.

Cf. G. O. no. 1142/II—469A, dated 9th Apr. 1896.

187. Casual leave is not recognized by the regulations, and an officer absent on casual leave is not treated as absent from duty. The Government will make no arrangement to supply the place of officers absent on such leave. The officer granting the leave and the officer taking it will be held responsible if the public service suffers in any way from the absence of the officer on casual leave.

Cf. G. O. no. 3124/11—469A, dated 3rd July 1902.

188. Casual leave may not be combined with any other kind of leave, and may not extend to more than ten consecutive days in the calendar year. Ordinarily it may not extend to more than ten days in all. If in exceptional circumstances the sanctioning authority grants for urgent and special reasons a few days more than the ten days, the grant, with the reasons, must be reported at once for the information of the Government in the prescribed form. If casual leave is taken in extension of gazetted holidays, those holidays must be counted as part of the leave.

Cf. G. G. O. (F. D.) no. 1116-P., dated 22nd Feb. 1905.

189. Casual leave should only be granted for adequate reasons. The concession of casual leave must not be converted into an unauthorized system of privilege leave. The Lieutenant-Governor trusts Commissioners and government officers of all grades not to allow the privilege to be abused. An officer who takes casual leave when on tour is not entitled to draw daily allowance during such leave.

190. The undermentioned officers are authorised to grant casual leave to the gazetted officers named in the following list. When Commissioners grant leave to district officers a report in the prescribed form should be sent to the Chief Secretary to Government at the time when the leave is granted :—

<i>Sanctioning authority.</i>	<i>Subordinate officers.</i>
The Chief Justice of the High Court of Judicature, Allahabad, or the senior Judge on duty.	District and Sessions Judges and assistant sessions judges in the North-Western Provinces.
Judicial Commissioner, Oudh	Additional Judicial Commissioners of Oudh, District and Sessions Judges and assistant sessions judges in Oudh.
District Judges	Subordinate judges and munsifs.

<i>Sanctioning authority.</i>		<i>Subordinate officers.</i>
Commissioners of divisions	..	.. Magistrates and Collectors, joint and assistant magistrates, settlement officers, cantonment magistrates and official whole-time chairmen of municipal boards.
Inspector-General of Police	..	.. Gazetted officers of the department.
Ditto	Registration	.. Gazetted subordinates of the Registration department.
Ditto	Civil Hospitals	.. *Civil surgeons, Chemical Examiner, and Superintendent of the Lunatic Asylum, Agra,
Ditto	Prisons	.. *Superintendents of central jails.
Sanitary Commissioner	..	.. Deputy Sanitary Commissioners.
Conservators of Forests	..	.. Deputy and assistant conservators and extra deputy and extra assistant conservators.
Director of Public Instruction	..	.. Gazetted officers of the educational department.
Ditto	Land Records	.. Assistant to the Director and veterinary officers.
Magistrate and Collector	..	.. Officers of the provincial civil service and of the subordinate civil service serving in their districts.
Chief Engineers	..	.. Superintending Engineers.
Superintending Engineers	..	.. Executive and assistant engineers.

191. Before a civil surgeon or a superintendent of a central prison avails himself of casual leave he should report to the Commissioner through the Magistrate the period of such leave and the date of his departure. He should also report the date of his return.

192. Before the Commissioner grants leave to a cantonment magistrate he should ascertain that the Officer Commanding the station has no objection to the grant of the leave, and, when the leave has been granted, the District Judge concerned should at once be informed of the fact.

193. Superintendents, and assistant and deputy superintendents of police should forward requests for casual leave through the Magistrate. Should the Magistrate record an objection to the grant of the leave, the leave applied for cannot be granted. If the leave is granted, the police officer should still take the Magistrate's orders before leaving the district. The Magistrate should invariably inform the Commissioner when he consents to the grant of casual leave being made to superintendents. District engineers and district surveyors should forward their requests for casual leave through the chairman of the district board.

194. Every authority which grants casual leave should cause a register of such leave to be maintained. The registers should be regularly examined by inspecting officers.

* See paragraph 191.

Chapter XI.—Miscellaneous Orders.

A.—Definitions.

Cf. G. G. O. (H. D.) no. 35 Pub. 1710—1718, dated 8th Nov. 1893.

- 195.** (1) The term “gazetted officer” is generally held to apply to an officer whose appointment is gazetted by the Government and not by the head of a department.

Gazetted officer.

The broad line of demarcation between gazetted and non-gazetted officers is that which separates the provincial from the subordinate service. All officers belonging to the provincial service (including munsifs) should be held to be gazetted officers within the meaning of the Civil Service Regulations; members of the subordinate service should not come within that category, even if their appointments are published in the gazette. All appointments accordingly which it is decided to include in the provincial service will, as a general rule, and except in special cases, be gazetted by the Government, and the officers holding them will be held to be gazetted officers within the meaning of the Civil Service Regulations; while those in the subordinate service will, if gazetted at all, be gazetted by the heads of departments who have the power to make them under the orders of the Government. Thus talukdars would be gazetted by the Board of Revenue.

(2) The case of officers serving in other departments, such as medical, registration, police, or jails, are governed by the same rule; that is to say, where Government makes the appointment it will gazette, and only appointments so made will be recognised as gazetted appointments within the meaning of the Civil Service Regulations; in other cases heads of departments should gazette appointments of officers subordinate to them subject to any limit which the Government may think it expedient to lay down.

(3) Notifications investing officers with powers under different Acts in order that the courts may take judicial cognizance of them, do not constitute the persons invested with such powers “gazetted officers.”

Cf. G. G. O. (H. D.) no. 405—418, dated 21st Apr. 1903.

- 196.** The designation “civil surgeon” applies to all officers in medical charge of districts or of such other charges as are ordinarily known as civil surgeoncies.

Civil surgeon

B.—Extension of service of gazetted officers.

Cf. G. O. no. 720 and 1737/II—80-1905. dated 2nd March 1905, and 6th May 1905.

- 197.** Recommendations for the extension of service of gazetted officers, except officers of the Indian Educational Service, should not be submitted more than six months before the date on which the officer would, in the absence of special orders, retire.

C.—Term of office of Inspector-General of Police.

Cf. G. O. no. 5335/II—558, dated 8th Nov. 1910

- 198.** The tenure of the office of Inspector-General of Police will in ordinary circumstances be limited to five years. This term will include all periods in which an officer may act in the appointment and all periods of leave taken after he has been confirmed in it.

D.—Emoluments of settlement officers.

- 199.** The rules regarding the allowances of settlement officers are contained in the Civil Service Regulations.

200. A settlement allowance should not be granted to a collector or deputy commissioner except when he is engaged in the main business of the settlement of a district, that is to say in the actual work of assessment or of framing a record-of-rights in connection with the settlement of a district.

Cf. G. G. O. (R. and A.) no. 1/272-7, dated 9th Feb. 1899.

E.—Deputation allowance.

201. The tendency to regard all appointments to special duty as constituting a claim to extra remuneration is contrary to the spirit in which the provisions of the Civil Service Regulations were framed, and such allowances should be granted only when it is clearly established that the special duty involves a greater share of hard work and responsibility than would ordinarily fall upon the officer concerned if he were performing the ordinary duties of his station. The fact that the transfer to special duty involves a change of head quarters affords a reason for the grant of a deputation allowance only if the officer is placed at unusual expense owing to the fact that the period of deputation is a short one, or to some other exceptional cause. A change of station is an ordinary incident of service in India and does not in itself constitute a reason for an addition to an officer's emoluments.

Cf. G. G. O. (H. D.) no. 89, dated 27th Jan. 1911.

F.—Employment of Europeans.

202. No person, other than a native of India, shall be appointed to an office† carrying a salary of Rs. 200 a month or upwards without the previous sanction of the Governor General in Council in each case, unless—

Cf. G. G. O. (H. D.) no. 21/747, dated 18th Apr. 1879.

- (a) the person to be appointed belongs to the Covenanted Civil Service or to the Indian Army, or
- (b) the person to be appointed was originally nominated to the (1) financial department by the Governor General after examination, or (2) forest department by the Secretary of State, or by the Governor General, after examination; or (3) educational department by the Secretary of State; or
- (c) the person to be appointed entered the branch of the department in which he is now to be promoted before the 1st January 1879,
- (d) the office to which appointment is to be made belongs to the—

(1) opium department,	(4) mint department,
(2) salt or customs department,	(5) public works department, or
(3) survey department,	(6) police department.

203. No young man coming out to India to take up an appointment will be allowed so to time his departure as to arrive in India between 1st April and 1st October. No exception to this rule can be made without the special sanction of the Secretary of State, and this sanction will only be given on a certificate from the Medical Board at the India Office that a particular person is fit to come out in the hot weather.

Cf. G. G. O. (H. D.) no. 94, dated 27th Jan. 1909.

† *Note*—As defined in art. cii 17 Civil Service Regulations.

‡ See also paragraph 1333.

204. No person, other than a member of the Covenanted Civil Service, shall be appointed for the first time to any office which is usually reserved for the members of that service without the previous sanction of the Governor General in Council.

205. When sanction is sought to a proposed appointment under either of the two foregoing paragraphs, the application for such sanction should show (a) the education and past history of the person whom it is proposed to appoint; and (b) the reason why a native of India (or a member of the Covenanted Civil Service as the case may be) cannot conveniently be appointed to the vacant office.

206. Though the six departments named under clause (d) of paragraph 202 on the previous page are excluded from the operation of the present orders, offices in these departments should not be in any way reserved for Europeans; natives of India should be appointed more and more freely to the higher offices in these departments.

Cf. G. G. O. (H. D.) no. 1 Public/98, dated 28th Jan 1895.

207. Local Governments may make temporary appointments of Europeans on an emergency without obtaining the previous sanction of the Governor General in Council, but the discretion as to confirming an order making such a temporary appointment is vested in the Governor General in Council, and any temporary appointment should be reported for his confirmation immediately on its being made.

Cf. G. G. O. (H. D.) no. 4/143-52, dated 20th May 1884.

208. Under standing rule the appointment of persons not being natives of India to the superior graded service of the educational department rests with His Majesty's Secretary of State for India.

Cf. Secretary of State's despatch no. 82-Revenue, dated 7th June 1907.

209. The employment in government service of persons, who have been originally engaged by private firms and societies for service in India, should be avoided so far as is consistent with the interests of the public service. When such appointments are contemplated care should be taken to consult the employer before an offer is made.

G.—Reports on officers.

Cf. G. O. no. 2781[II—285B, dated 15th Aug. 1898.

210. Each Commissioner will, when submitting to the Board of Revenue the revenue administration report of his division, add a supplement containing a careful opinion regarding the efficiency, in all branches of the administration, of each covenanted assistant and each deputy collector. The Commissioner's opinion will be based on his personal observation and knowledge, if any, on the remarks made by Collectors in the district administration reports, and on the remarks made by Sessions Judges who will be consulted by the Commissioner. The Commissioner will, after due consideration of all sources of information, including the criticisms of Collectors and Judges, himself record a carefully weighed opinion concerning each subordinate officer, and forward a copy of such opinion direct to the Chief Secretary to Government. The opinion of the Commissioner on district officers will continue to be submitted confidentially to the Board of Revenue with the administration reports. Copies are not required by the Government.

211. Reports on officers holding full-time cantonment magistracies, whether they are permanent or officiating, should be submitted by Commissioners on 1st April in each year, or as soon after as possible. In the case of officiating full-time cantonment magistrates who revert during the year, a report should be submitted on their work at the time of their reversion (*cf.* paragraph 158).

Cf. G. O. no. 2350/II—343B, dated 9th July 1898.

Note.—“Full-time” cantonment magistracies are those which occupy the whole time of the officer appointed. “Part-time” cantonment magistracies are those in which the officer appointed performs other duties in addition to those of cantonment magistrate. In the case of the latter no reports are required.

212. When it is found necessary to report unfavourably upon a military officer holding a civil appointment of limited tenure, from which he is liable to revert to military duty, the particulars of the adverse report should be communicated to him *verbatim* by the reporting officer, a note that this has been done being made on the report itself.

Cf. G. G. O. (H. D.) no. 728, dated 10th Apr. 1899.

Although an adverse report by the officer who first reports on an officer must be communicated to that officer, the reports of higher authorities need not be so communicated, nor need the reports by inspecting officers be communicated. The Government of India or the Local Government reserves the right to call on the officer concerned to explain any charge against him, should it be considered right and just to do so.

Cf. G. G. O. (H. D.) no. 1585, dated 20th Sept. 1899.

N.B.—The orders in this paragraph apply to officers of the Indian Medical Service.

H.—Deaths.

213. A report of all deaths of European officers—whether covenanted or uncovenanted—should be forwarded to the Government in the prescribed form whenever a death occurs.

Cf. G. O. no. 3973/II—810, dated 31st Aug. 1910.

In all cases where addresses of relatives or friends of the deceased are not known a report should at once be made to the Government by telegram, the usual report in the form prescribed above being forwarded in due course.

214. As the object, in the case of the death of any European uncovenanted officer, is simply to obtain information in regard to officers of pure European parentage whose relatives reside in England or of Eurasians domiciled in England, or whose families reside there the return should include the names of only such officers as are of the class indicated.

Cf. G. O. no. 35A., dated 4th Sept 1871, and no. 2445/II—398-61, dated 8th July 1885.

215. Telegraphic intimation is furnished to the Government of India respecting members of the Covenanted Civil Service and European gazetted officers employed in other civil branches of the administration such as police, public works, forests, survey, telegraph, &c., who are killed or severely wounded by fanatics, in the execution of their duty, or who meet with sudden or violent death in any very exceptional circumstances. The Commissioner or the next senior officer in the event of the demise of the Commissioner is required to report such occurrences to the Chief Secretary by telegram; and in the case of wounds to state whether they are dangerous, severe, or slight. The usual full report by letter should follow.

Cf. G. G. O. (H. D.) no. 17-828, dated 15th Apr. 1887, and no. 4-208, dated 22nd Feb 1897; G. O. no. 2761/II—398, dated 21st July 1899.

J.—Procedure when officers are transferred.

Cf. G. O. no. 25A,
dated 26th Sep. 1876,
and no. 51A dated
20th Jan. 1877.

216. When an officer is transferred, he must make over charge of his office within seven days from the date on which the order of transfer reaches him. If in any case it should be necessary for the transferred officer to await the arrival of the officer by whom he is to be relieved, special instructions will be issued.

Cf. G. O. no. 1944/
II—191, dated 6th
May 1907.

217. When a gazetted officer is under orders of transfer, he should write direct to the Magistrate of the district to which he is being transferred and inform him, as nearly as he can, of the date when he is likely to arrive.

When a non-gazetted officer is being transferred, the Magistrate of the district where he is serving should give similar information to the Magistrate of the district to which the officer has been posted.

These orders do not apply to gazetted or non-gazetted officers of the police department.

K.—Charge certificates.

Cf. G. O. no. 2278/
II—498-I, dated
25th June 1885.

218. Gazetted officers should report direct to the Secretariat in the prescribed form the date of receiving or making over charge of any office, whether on the occasion of taking leave or furlough or transfer.

219. A copy of the charge certificate (unaccompanied with any covering docket or letter) is to be forwarded on the day of transfer to—

- (1) the Accountant-General.
- (2) the Under Secretary to Government in the appointment department, at the head quarters of the Government for the time being;
- (3)

the Registrar, High Court of Judicature, North-Western Provinces ;	}	as the case may be.
the Registrar, Judicial Commissioner's Court, Lucknow ;		
the Commissioner or head of the department ;		

All officers must sign their names legibly ; and the names of native officers who sign in vernacular should invariably be written in English by the despatching office immediately below the signature in vernacular.

Cf. G. O. no. 4096/
II—666B, dated
16th Dec. 1896.

220. The district officer, or in his absence from head quarters, the senior covenanted or uncovenanted assistant for him, should always sign the charge certificate of covenanted assistants and deputy collectors on the district staff, as relieved or relieving officer (as the case may be), when a covenanted assistant or deputy collector joins a district or is leaving it on transfer or leave other than casual leave, and does not actually relieve or make over charge of his duties to another officer on the district staff.

L.—Rules regarding the stay of certain officers in the hills during the hot weather and rains.

Cf. G. O. no. 1780,
2034 and 2303/II—
467A., dated 9th July
1897, 11th July 1899
and 2nd June 1906,
and no. 1411/II—
208, dated 25th
March 1911.

221. No officer referred to in these orders shall move to, or remain in, the hills if there be a special reason requiring him to remain in, or return to, the plains. Ordinarily, however, the officers specified below may, with advantage to the public service, spend part of the year with the

Government at Naini Tal. The following orders define the time when the move to the hills should ordinarily take place, and regulate the duration of the tours in the plains, during the rainy season, of officers who are allowed to spend part of the year in the hills.

Note.—For the purpose of these orders the rainy season is considered to extend from July 1st to September 15th.

222. The officers subject to these orders are—

- (1) Members of the Board of Revenue.
- (2) the Inspector-General of Civil Hospitals.
- (3) the Sanitary Commissioner.
- (4) the Inspector-General of Police.
- (5) the Inspector-General of Prisons.
- (6) the Commissioner of Excise.
- (7) the Director of Public Instruction.
- (8) the Director of Land Records and Agriculture.
- (9) Deputy Director of Land Records and Inspector-General of Registration.
- (10) the Registrar, Co-operative Credit Societies.

223. The officers enumerated in the preceding paragraph, the Legal Remembrancer to Government and the Superintendent, Civil Veterinary department, will not ordinarily move to the hills before the 1st May, and will not remain in the hills after the 20th October.

224. (1) The Members of the Board of Revenue will ordinarily spend not less than one month continuously on tour or at their head quarters in the plains during the rainy season. The members will decide whether the Secretary or Joint Secretary, or both, should accompany them on tour or remain at head quarters or at Naini Tal.

(2) All the other officers enumerated in paragraph 222 above and the Superintendent, Civil Veterinary department, will ordinarily spend not less than one month and a half continuously on tour and in the plains during the months of July and August.

225. Inspectors of schools are allowed to spend two months at Naini Tal each year at their own expense, from the 8th May to the 7th July inclusive.

226. The Deputy Inspectors-General of Police may ordinarily spend two and a half months at Naini Tal between the 15th May and the 20th October, provided that their absence from their head quarters does not interfere with the due discharge of official business. Between the same dates and subject to the same condition the gazetted officers of the eastern forest circle, except those of the Bundelkhand forest division, may spend two months at Naini Tal.

227. The Commissioner of the Meerut division will not ordinarily move to Mussooree before the 1st May, nor is it permissible for him to remain there after the 15th October. In the interval he will ordinarily spend two months on tour at his head quarters in the plains, and will at any time proceed at once to the plains should his presence there be necessary.

228. The Agricultural Chemist and the Economic Botanist are permitted to take their work to the hills for one month between the 15th April and the 1st July in each year during the annual summer vacation of the Agricultural College, Cawnpore.

229. Each of the officers referred to in paragraph 222 should, ten days before proceeding on tour, forward to the Chief Secretary to Government a programme of his tour so far as he can forecast it.

Cf. G. O. no. 4831/
X—221, dated 1st
Oct. 1886.

230. (1) The Government must not be put to any expense whatever for journeys to and from Naini Tal and the point (ordinarily the head quarters station in the plains) at which the necessary inspection ceases or commences. No travelling allowance whatever may be drawn on halting at places on the line of railway between the head quarters and the hills (except for *bona fide* necessary inspection) or for journeys between Bareilly and Naini Tal. All tours of inspection made within the hills will be treated as beginning at Naini Tal.

(2) When an officer takes his office temporarily to the hills for his own comfort or convenience no expense must be entailed on the State by travelling or deputation allowances to clerks or otherwise. Postal charges however may be met from the office grant for postage provided that the latter is not exceeded.

Cf. G. G. O. no.
1317, and 141, dated
24th Feb. 1870 and
20th Jan. 1879.

III.
General Administration Department.

III.—GENERAL ADMINISTRATION DEPARTMENT

Contents.

CHAPTER.	PARAGRAPHS.
XII—Government servants' conduct rules—	
General rules	301—323
Subsidiary rulings	324—331
XIII—Subordinate officials—	
General conditions of employment	332—353
Certificates and character rolls	354—367
Punishment	368—377
Miscellaneous	378—379
XIV.—Rules regarding courts and offices—	
Hours of business	380—384
Court language	385—386
Use of English figures	387—388
XV—Correspondence, circulars, reports and returns—	
Classification of correspondence	389—390
Method of correspondence	391—411
Circulars and notices	412—413
Reports, returns and reviews	414—433
XVI—Tours of officers—	
General instructions	434—440
Rules regarding the hiring of carts	441—443
Rules regarding supplies	444
XVII—Orders relating to the Army—	
Provision of carts for troops on the march	445—455
Transport on mobilization	456
Provision of supplies for troops on the march	457—465
Shooting parties of British soldiers	466—472
Recall of native troops from leave on mobilization	473—475
Miscellaneous	476—481
XVIII—Printing presses	482—491
XIX—Memorials—	
To the Local Government	492—502
To the Government of India	503—515
To the House of Commons, the Secretary of State for India, and His Majesty the King-Emperor	516
XX—Charitable endowments	517—532
XXI—Miscellaneous—	
Relations of heads of departments and departmental officers with Commissioners and Magistrates	533—534
Memorandum of district officer when transferred	535—537
Residences of officials	538—543
Volunteers	544—547
Medals	548—551
General	552—563

III.—GENERAL ADMINISTRATION DEPARTMENT.

Chapter XII.—Government servants' conduct rules.

A.—General rules.

301. The following rules and orders relate to the conduct of public servants in respect of borrowing money, receipt of complimentary addresses and other matters.

Cf. G. G. O. (H. D.) no. 2255, dated 25th Oct. 1904.

302. In these rules,—

(a) "Government servant" includes every person holding or exercising any civil office, other than a menial office, under the Government;

Rule 1. Interpretation.

(b) "native of India" means a person of unmixed Asiatic descent permanently resident in India.

303. A government servant may not, without the previous sanction

Cf. 13 Geo. III, Chap. 63, section 24; For. Dep. Cir. no. 1299-G., dated 20th June 1876.

Rule 2. Gifts.

of the Government of India, directly or indirectly accept, either on his own behalf or in behalf of any other person, any gift, gratuity or reward, or any promise of a gift, gratuity or reward, from any native of India.

The Head of a Government or a Political Officer may accept from any Native Prince or Chief a ceremonial gift which is deposited in the government *toshakhana* and for which a return present is made at the government expense. Any government servant may accept a complimentary present of flowers or fruit or similar articles of trifling value. The practice of giving such presents should however be discouraged.

When a gift of substantial value cannot be refused without giving offence, it should, unless the Government of India by special order otherwise direct, be delivered up to the Government.

Note 1.—Native Chiefs who visit places in the province and receive assistance from government officials occasionally express their wish to leave a sum of money with the Magistrate or tahsildar for distribution among subordinate officials in return for services rendered. Such contributions should be politely declined on the ground that the servants of the Government are not allowed to take presents for doing their duty to any one.

Cf. G. O. no. 97/IV—890, dated 2nd Sept. 1893.

Note 2.—It is also objectionable that retired officers or their wives should receive presents.

Cf. G. G. O. (H. D.) no. 43, dated 15th Dec. 1888.

304. A government servant may not, without the previous sanction

Cf. G. G. O. (H. D.) no. 29—1629-45, dated 22nd July 1887, no. 729—753, dated 6th May 1898, and no. 4569, dated 8th Aug. 1910.

of the Local Government, receive any complimentary or valedictory address, accept any testimonial presented to him, or attend any public meeting or entertainment held in his honour; nor may he take part in any similar acknowledgment of the services of any other government servant, or of any person who has recently quitted the service of the Government.

The rule admits of the following exceptions:—

(a) The Head of a Government may receive an address.

(b) At the request of any public body a government servant may sit for a portrait, bust or statue not intended for presentation to him.

- (c) A government servant may take part in the raising of funds to be expended, in recognition of the services of another government servant, on the foundation of a scholarship or other public or charitable object, or on the execution of any portrait, bust or statue not intended for presentation to such other government servant. He may not, however, solicit subscriptions for the purpose.
- (d) A government servant may take part in a private farewell entertainment, attended only by personal friends as a mark of regard to himself, when retiring from the service or quitting a district, or to another government servant in similar circumstances.
- (e) Medical officers are not prohibited from receiving a pecuniary or other gift in recognition of their services from a community or body of persons which may desire to acknowledge these; but the previous sanction of the Local Government must be obtained by medical officers before receiving any public complimentary address.

Cf. G. G. O. (H.D.)
no. 1812-36, dated
19th Aug. 1899.

Cf. G. G. O. (H.D.)
no. 4569, dated 8th
Aug. 1910.

305. A government servant may not without the previous sanction of the Local Government receive any trowel, key, or other similar article, offered to him at a ceremonial function, such as the laying of a foundation stone or the opening of a public building.

Rule 3A. Presentation of trowels, &c.

306. Subject to the departmental rules governing the question, a medical officer may accept any gift, gratuity or reward offered in good faith by any person or body of persons in recognition of his professional services.

Rule 4. Application of rules 2 and 3 to medical officers.

Cf. G. G. O. (H.D.)
no. 31—1217-42
dated 11th July 1885,
no. 25—1437-60,
dated 14th Aug.
1889.

Cf. G. G. O. (H.D.)
no. 1366, dated 28th
Oct. 1885.

*Cf. G. O. no. 383/
III—700B., dated
22nd Apr. 1895.*

*Cf. G. O. no. 197/
III—700B., dated
5th March 1885.*

307. A government servant may not, without the previous sanction of the Local Government, ask for or accept from any Native Prince or Chief, or the agent of any Native Prince or Chief, any subscription or other pecuniary assistance in pursuance of any object whatsoever.

Note 1.—It has been ruled that the restrictions imposed on a government servant do not apply to local and municipal boards, and that the term "Native Chiefs" includes "zamindars."

Note 2.—All officers of the Government are permitted to invite subscriptions when the object of the subscription has been approved by the Government. By "invitation" is meant bringing the object of the subscriptions to the notice of the native gentlemen in conversation, but not in writing, explaining what is being done and suggesting that the object is worthy of support. No public servant may ask for subscriptions or receive money.

Note 3.—Participation by public servants in the collection of voluntary subscriptions is likely to give rise to misconceptions and misrepresentations on the part of people who do not discriminate between the public and private aspect of the acts of government officials. Whenever the invitation of voluntary donations or subscriptions for new objects has been sanctioned by the Government, the collection of such donations and subscriptions must be made by the non-official members of the committee concerned, and no public servants are allowed to collect money on account of these voluntary donations and subscriptions.

308. Government servants may not enter into any pecuniary arrangement for the resignation by one of them of any office under the Government for the benefit of the others. Should this rule be infringed any nomination or appointment consequent upon such resignation will be cancelled and such parties to the arrangement as are still in the service will be suspended, pending the orders of the Secretary of State or of the Government, as the case may be.

Rule 6. Purchase of resignation.

Cf. Gen. notification no. 216, dated 9th Sept. 1842; H. D. Cir. no. 55—1864, dated 29th Dec. 1883.

309. A gazetted officer may not lend money to any person possessing

Rule 7. Lending and borrowing money.

land within the local limits of his authority, nor may he, except in the ordinary course of business with a joint stock bank or a firm of standing, borrow money from, or otherwise place himself under a pecuniary obligation to, any person subject to his official authority, or residing, possessing land or carrying on business within the local limits of such authority.

When a gazetted officer is appointed or transferred to a post of such a nature that a person from whom he has borrowed money or to whom he has otherwise placed himself under a pecuniary obligation will be subject to his official authority, or will reside, possess immovable property or carry on business within the local limits of such authority, he must forthwith declare the circumstances to the Government through the usual channel.

The orders contained in this paragraph apply also to non-gazetted officers, but in the case of the latter they may be relaxed in exceptional cases at the discretion of the head of their office. Non-gazetted officers should make the report referred to in sub-paragraph 2 to the head of their office.

Note.—See also paragraph 326.

310. When a government servant, other than a native of India,

Rule 8. Buying and selling houses and other valuable property.

wishes to buy from or sell to any native of India residing, possessing immovable property, or carrying on business within the station, district or other local limits for which he is appointed, any house, elephant, horse, conveyance or other valuable thing, he must declare his intention, with a full statement of the circumstances and the price offered or demanded, as the case may be, to the Commissioner or to such other authority as the Local Government may direct. When such a declaration has been made, the Commissioner or other officer authorised by the Local Government in this behalf, may pass such orders upon the proposal as he may think fit. These orders do not apply to any transaction conducted in good faith with a regular dealer.

A Government servant, who is about to quit the station, district or other local limits for which he has been appointed, may without reference to any authority, dispose of his furniture, household goods, live-stock and the like either by circulating lists thereof among the community generally or by causing them to be sold by public auction.

Note.—It will be understood that the Commissioner or other officer authorised to dispose of such applications is at liberty to refer any application to the Government for advice or orders if he considers such a course desirable. In cases where the Commissioner or other officer authorised in this behalf is himself interested in the proposed transaction, he should refer the matter to the Government for orders.

311. A government servant who is a member of the Indian Civil

Rule 9. Holding or acquiring immovable property.

Service or a military officer may not hold or acquire any immovable property within the territories of any Native Prince or Chief.

A government servant, who, not being a native of India, is a member of the Indian Civil Service, or a military officer, or holds any office ordinarily held by members of the Indian Civil Service or by military officers, may not, directly, or indirectly, hold or acquire any immovable property within the province in which he is employed or within any province with

Cf. G. G. O. (H. D.) no. 563, dated 28th Feb. 1907, no. 2. R.—57-108, dated 16th Jan. 1890, no. 2407, dated 6th Dec. 1890, no. 22—597-653, dated 16th March 1883, no. 1032—1049, dated 9th June 1897, no. 4952—60, dated 28th Oct. 1899, no. 1899, dated 25th Apr. 1872, and no. 1556, dated 31st May 1892.

Cf. G. G. O. (H. D.) no. 390, dated 20th Feb. 1911.

Cf. G. G. O. (H. D.) no. 21—797, dated 13th May 1885, and no. 19—1161, dated 14th June 1890.

the administration of which he is concerned, whether such employment or concern is permanent or temporary.

A native of India, who is a member of the Indian Civil Service, or holds any office ordinarily reserved for members of the Indian Civil Service, and any government servant belonging to the provincial or subordinate civil services may continue to hold any immovable property actually held by him at the time of his entry into government service, and may thereafter acquire any immovable property by succession, inheritance or bequest, or with the previous sanction of the Local Government or such heads of departments as may be specially empowered by the Local Government in this behalf, by purchase or gift.

He will however be liable to be debarred from employment within the district or other local limits within which such immovable property is situated.

Any government servant may hold or acquire immovable property in good faith for the purpose of residence.

Note.—Indian officers, belonging to the provincial or the subordinate civil service, are not required to obtain the sanction of the Local Government under which they are serving before purchasing land or property in another province, but a declaration of any immovable property acquired without reference to such Local Government is required under rule 10.

Cf. G. G. O. (H. D.) no. 2117, dated 27th Oct. 1905.

Cf. G. G. O. (H. D.) no. 21-797, dated 13th May 1885, and no. 3-2405, dated 11th Sep. 1888.

312. Every government servant or candidate for government service must make to the Government, through the usual channel, a declaration of all immovable property which may from time to time be held or acquired by him or by his wife or by any member of his family living with, or in any way dependent

upon, him.

Such declaration should state the district within which, or the Native Prince or Chief within whose territories the property is situated, and should give such further information as the Government may by general or special order require.

Note.—See paragraph 329.

313. A government servant may not make any investment, other

Rule 11. Investments other than those in immovable property. than an investment in immovable property permitted by rule 9, which gives him such private interest in matters with which his public duties are connected as would be likely in the opinion of the Local Government to embarrass or influence him in the discharge of his duties.

Subject to this condition he may hold or acquire shares in any company, including a mining or agricultural company, which has for its object the development of the resources of the country; but he will not be employed in any district in which the operations of any such company are conducted:

Provided that this rule, in so far as it relates to the making of investments or placing of deposits by government servants in co-operative credit societies registered under Act X of 1904, shall, subject to any general or special restrictions or relaxations made or permitted by the Local Government, be read with the following limitations:—

(a) Government servants of the class referred to in the second paragraph of rule 9 shall not make such investments or

Cf. G. G. O. (H. D.) no. 21-797, dated 13th May 1885, and no. 4669, dated 8th Aug. 1910.

place such deposits within the province in which they are employed.

(b) Government servants of the class referred to in the third paragraph of rule 9 shall not make such investments or place such deposits except in cases in which they are allowed to retain or acquire immovable property.

(c) All other classes of government servants shall be at liberty to make such investments or place such deposits.

314. A government servant may not speculate in investments.

Cf. G. G. O. (H. D.) no. 21—797-806, dated 13th May 1885.

Rule 12. Speculation. In applying this general rule, the purchase of a grant of land supposed to contain minerals with the object of disposing of it to companies, and the habitual purchase and sale of securities of notoriously fluctuating value, will be treated as speculation in investments.

315. A gazetted officer, whether on leave or in active service, may

Rule 13. Promotion and management of companies. not without the special sanction of the Secretary of State, take part in the promotion, registration or management of any bank or other company.

This rule does not apply to any government servant, who, with the sanction of the Government of India, enters into the service of a railway company working a concession granted by the Government, or to the management by a government servant of any association established and conducted in good faith for the purpose of mutual supply and not for profit, when such management does not interfere with his public duties, or subject to the same condition, to any government servant who, under the general or special sanction of the Local Government, takes part in the management of a co-operative credit society registered under Act X of 1904.

Ibid; also Secs. of State's despatches no. 73, dated 19th July 1883, no. 25, dated 7th Feb. 1889, and no. 53, dated 14th May 1891.

Government pleaders and crown prosecutors, * * * * may serve as directors of a bank or other company if such service does not interfere with their public duties, and the interests of the bank or company are not opposed to those of the Government.

316. A government servant may not, without the previous sanction

Cf. G. G. O. (H. D.) no. 21—797-803, dated 13th May 1885.

Rule 14. Private trade or employment. of the Local Government, engage in any trade or undertake any employment other than his public duties

A government servant may undertake occasional work of a literary or artistic character, provided that his public duties do not suffer thereby; but the Government may, in its discretion, at any time forbid him to undertake or require him to abandon any employment which in its opinion is undesirable.

317. (1) When a government servant is adjudged or declared an

Cf. G. G. O. (H. D.) no. 181, dated 26th Jan. 1855, no. 67—2813, dated 19th Nov. 1874, no. 100, dated 12th Jan. 1856, no. 2—77, dated 19th Jan. 1884, and no. 29—1770, dated 8th Oct. 1889.

Rule 15. Insolvency and habitual indebtedness. insolvent, or when one moiety of the salary of such government servant is constantly being attached, has been continuously under attachment for a period exceeding two years, or is attached for a sum which, in ordinary circumstances, cannot be repaid within a period of two years, he will be considered liable to dismissal.

(2) When such government servant is not liable to dismissal otherwise than by or with the sanction of the Secretary of State the

matter must, if he is declared insolvent, and may, if a moiety of his salary is attached, be reported to the Secretary of State, pending the receipt of whose orders he will be suspended from the service.

(3) In the case of any other government servant, the matter should be reported to the Local Government or to such authority subordinate to the Government as may, by general or special order, be directed.

(4) When a moiety of an officer's salary is attached the report should show what is the proportion of the debts to the salary; how far they detract from the debtor's efficiency as a government servant; whether the debtor's position is irretrievable; and whether, in the circumstances of the case, it is desirable to retain him in the post occupied by him when the matter was brought to notice, or in any post under the Government.

(5) In every case under this rule, the burden of proving that the insolvency or indebtedness is the result of circumstances which, with the exercise of ordinary diligence, the debtor could not have foreseen or over which he had no control, and has not proceeded from extravagant or dissipated habits, will be upon the debtor.

Cf. G. G. O. (H. D.) no. 30—1267, dated 16th Aug. 1884, and no. 22A, dated 3rd June 1885.

318. A government servant may not, unless generally or specially empowered by the Local Government in this behalf, communicate directly or indirectly to government servants belonging to other departments, or to non-official persons, or to the press, any document or information which has come into his possession in the course of his public duties, or has been prepared or collected by him in the course of those duties whether from official sources or otherwise.

Rule 16. Communication of official documents or information.

Cf. G. G. O. (H. D.) no. 19—1134, dated 8th July 1875.

319. A government servant may not, without the previous sanction of the Local Government, become the proprietor in whole or in part, or conduct or participate in the editing or management, of any newspaper or other periodical publication.

Rule 17. Connection with the press.

Such sanction will be given only in the case of a newspaper or publication mainly devoted to matters not of a political character, and may at any time, in the discretion of the Local Government, be withdrawn.

320. Subject to the provisions of rule 16, a government servant may contribute anonymously to the press, but must confine himself within the limits of temperate and reasonable discussion; and, if his connection with the press is contrary to the public interest, the Local Government may withdraw his liberty to contribute. When there is room for doubt whether the connection of any government servant with the press is or is not contrary to the public interest, the matter should be referred to the Governor General in Council for orders.

Nothing in this rule will limit or otherwise affect the operation of any Army Regulations for the time being in force relating to the same subject.

Cf. Secy. of State's despatch no. 114, dated 6th Oct. 1898.

321. A government servant may not convey to the public in his own name, whether in writing or in a speech or otherwise, any opinion upon any principle approved or action taken by the Government, or upon any matter relating to the policy of the Government which is, or is likely to become, the subject of public discussion.

Rule 19. Criticism of the Government

322. A government servant may not take part in, or subscribe in

Rule 20. Political agitations and meetings.

aid of, any political movement in India, or relating to Indian affairs. Nor may he attend any political meeting his presence at which is likely to be misconstrued or impair his public usefulness. When there is room for doubt whether any action which a government servant proposes to take will contravene the provisions of this rule, he should refer the matter for orders to the Local Government to which, or the government servant to whom, he is immediately subordinate.

Cf. G. G. O. (H. D.) no. 11-Public/679—88, dated 18th Mar. 1890.

323. A government servant may not, without the previous sanction

Rule 21. Vindication of acts and character of government servant as such.

of the Local Government, have recourse to any court or to the press for the vindication of his public acts or character from defamatory attacks. In granting sanction to the recourse to a court the Local Government will in each case decide whether it will itself bear the costs of the proceedings, or whether the government servant shall institute the proceedings at his own expense, and, if so, whether, in the event of a decision in his favour, the government shall re-imburse him to the extent of the whole or any part of the costs.

Cf. G. G. O. (H. D.) no. 30-Public/1676—85, dated 5th Sept. 1890, and no. 3865, dated 29th May 1900.

Nothing in this rule will limit or otherwise affect the right of any government servant to vindicate his private acts or character.

B.—Subsidiary rulings.

324. A gazetted officer who is in receipt of furlough or leave

Officers on leave prohibited from other employment.

allowances may not, without the special orders of the Government of India, take service under another employer in this country, and no such officer whose services have been lent to any other employer in India can take leave or obtain leave allowances from the Government or from the employer to whom his services have been lent, unless he actually quits his employment for the period of such leave. In the case, however, of a non-gazetted officer the special permission of his departmental superior may be accepted as sufficient authority.

Cf. G. G. O. (Fin. D.) no. 2998P, dated 16th May 1907.

An officer who, during leave, takes up an appointment which is such as should for public reasons and not merely in his own interests be filled by a servant of the Government, must be transferred thereto in the regular way by the authority empowered to authorize his transfer under the rules regulating transfers to foreign service. From the date on which he takes up the appointment he ceases to be on leave and is no longer entitled to draw leave allowances from the Government, and becomes an officer in active service drawing from his employer pay fixed in accordance with rule.

325. On occasions of state ceremonial or when a rapid or long

Use of conveyances belonging to native gentlemen on certain occasions.

official journey has to be made exceeding the capabilities of a reasonable private establishment, and when no other means of locomotion are available, officers of the Government may occasionally avail themselves of the proffered assistance of Indian gentlemen or of the resources of estates under their charge. This procedure should however be resorted to as seldom as possible, and only under circumstances in which one English gentleman would accept similar civilities from another without incurring an inconvenient obligation,

Cf. G. O. no. 392/III—76A, dated 7th Apr. 1886.

The use by government officials of conveyances and horses belonging to native gentlemen or to private estates under the charge of the officers of the Government is prohibited, except under the conditions explained above.

Cy. G. O. no.
1036, dated 19th
Apr. 1900.

326. Members of the provincial, executive and judicial services of Government as well as covenanted civil servants and members of the statutory civil service are prohibited from lending money at interest, whether directly or through relatives or other agents, to landholders with or without security, within the province in which they are employed. The Governor General in Council is pleased to direct that when such officer belongs to a joint Hindu family which has been carrying on the business of money lending as an ancestral profession, a relaxation of the prohibition may be allowed on the understanding that the officer takes no active share in the business and is not employed in a district in which the transactions of the firm are carried on.

Note.—See also paragraph 309.

Cy. G. O. no.
138, dated 14th Oct.
1879.

327. When in any suit or miscellaneous judicial proceeding any person interested therein is described as, or is ascertained to be, a public servant, the presiding judicial officer should, after giving his decision, inform the chief executive officer in the district of the department to which such public servant belongs, of any circumstances in the case affecting personally the public servant mentioned.

Interest in suits.

Cy. G. O. no.
.84/VII—306B, da-
ted 13th Sep. 1890.

328. Registrars and sub-registrars should report to the Inspector-General of Registration, for communication to the Government, all cases of the registration of deeds of transfer of landed property to which government servants may be parties.

*Registration of deeds
of transfer of landed
property.*

Cy. G. O. no.
1143/III—549C, da-
ted 17th July 1902.

329. The following instructions are issued for the preparation and maintenance of registers of landed property held by officers in the superior service of the Government :—

*Registers of landed
property held by officers.*

(1) The rule (vide paragraph 312) which requires the declaration of all possession or acquisition of land by public officers and its registration in the public offices applies to all officers of the Government in superior service, i.e. to all officers on pay exceeding Rs. 10 per mensem.

(2) A declaration shall be made in the prescribed form on first appointment: the head of the office in which an officer is appointed is responsible for obtaining it, and officers must be invariably informed that, in the event of any landed property coming into their possession after the date of this declaration, they are bound to declare the fact within one month to the heads of their offices.

(3) Declarations shall be retained in the offices in which the officers are at the time serving, except in the cases specified in clause 5.

(4) In cases where character-books or service-rolls are maintained, the particulars of the land held or the fact that no land is held shall be entered under the initials of the head of the office in such books or rolls at the time of the first appointment and on receipt of a subsequent declaration.

(5) Where character-books or service-rolls are not maintained the declarations shall be forwarded to the head of the department, or in the case of members of the statutory service and deputy collectors to the

Government, and similar entries shall be made in registers to be maintained by the head of the department or the Government, as the case may be.

330. Government officials are not prohibited from joining any society, which is not an unlawful society; but departmental notice will be taken of the conduct of officials who take part in advocating or organizing a society which sets one class of the community against another class, or in propagating the tenets of such a society. All officials whatever be their creed or religion, are required to observe a strictly neutral and impartial attitude in the exercise of their official influence, and not to forfeit by taking an active part in societies of the character above described the confidence of the public in their impartiality.

*Cf. G.O. no. 2658/
III—461B, dated
12th Dec. 1893.*

331. The employment by public officers of public servants in making private purchases, or in any private matter in which the receipt and expenditure of money is concerned, is strictly prohibited.

*Cf. G. G. O. no. 141
and 895, dated 16th
Jan. 1873 and 22nd
May 1873.*

Note.—This prohibition does not preclude officers from employing public servants to procure for them conveyance or necessary supplies while they are travelling upon duty, though in all such transactions constant vigilance is needed to prevent cheating and extortion.

Chapter XIII.—*Subordinate officials.

A.—General conditions of employment.

G. G. O. no. 567
and 1192/III—154,
dated 10th May 1909
and the 14th Aug.
1909.

332. No person shall, unless specially exempted by a written order of the Government passed before he is appointed or promoted, be appointed or promoted to any post carrying a salary of Rs. 25 or upwards and paid from imperial or provincial funds in English offices unless he has obtained the school-leaving certificate of this province or a degree of the Allahabad University, and preference shall (*cæteris paribus*) be given to those candidates who possess such a degree :

Provided that up to the 1st July 1916 any person who has passed the entrance or matriculation examination or the school final examination of the Allahabad University before 1915, and has before 1st July 1915 been entertained as a clerk or apprentice in the office, may be appointed or promoted to such a post if no more suitable candidate in possession of the school-leaving certificate is available.

333. The rule in the foregoing paragraph shall also apply in the case of the following posts in vernacular offices :—

Collector's office.

- | | | |
|----------------------------|--|----------------------------|
| 1. General superintendent. | \| | 4. Revenue record-keeper. |
| 2. Sadr wasil-baki-navis. | \| | 5. Judicial record-keeper. |
| 3. General clerk. | \| | 6. Nazir. |

Commissioner's office.

- | | | |
|---------------------------|--|---------------------|
| 1. Munsarim. | \| | 2. Deputy munsarim. |
| 3. Revenue record-keeper. | | |

Judge's office.

- | | | |
|-------------------|--|----------------------|
| 1. Central nazir. | \| | 2. Civil court amin. |
|-------------------|--|----------------------|

334. The same rule shall apply to appointments or promotions to posts paid from imperial or provincial funds which are not appointments in offices and for which no special departmental or other rules of educational qualifications exist.

335. No person shall be appointed or promoted to a post in any vernacular office carrying a pay of Rs. 10 or upwards, other than a post mentioned above, who has not passed the vernacular final examination of this province; but for such a post also preference shall be given to a candidate who has obtained the school-leaving certificate; and no person shall be appointed to a post on Rs. 20 per mensem or more in a civil court office who is not acquainted with English.

336. The rules in paragraphs 332 to 335 do not apply to—

- (1) appointments to which special departmental rules are applicable;
- (2) district treasurers and their nominees (at head quarters and tahsils);
- (3) appointments of form keepers and record lifters in vernacular offices.

* Note.—The rules in paragraphs 1334 et seq. should also be seen.

337. The passing of the high school examination prescribed under the code of regulations for European schools shall be recognized as the equivalent of the school-leaving certificate.

338. A candidate, otherwise qualified, who has obtained the diploma of the higher course at the Mayo College at Ajmer or the Rajkumar College at Rajkot shall be eligible for an appointment for which an Allahabad University degree is the standard.

339. For every post, the duties of which cannot be properly carried out without a knowledge of both the principal prevailing forms of the vernacular character, a candidate having such knowledge shall be preferred to a candidate with equal qualifications but without such knowledge.

340. Unless by virtue of a general order passed after the issue of the rules, or of a special order passed before appointment by the Local Government in an individual case, or by virtue of a special rule for a particular post, no person shall be appointed to any post in this province unless for at least three years previous to this appointment he has resided in the province.

341. Every head of a department and Commissioner shall, during his tours of inspection see that the above orders are carried out; and if there are any vacancies or probable vacancies, for which no qualified candidate is available locally, he shall cause the names of eligible men in other offices or localities to be placed before the officer whose duty it is to make the appointments.

342. Every head of a department and Commissioner is authorized from time to time to exempt from the operation of the rules in paragraphs 332, 333 and 334 any clerk who was employed before the 27th July 1896 and who, apart from the want of the educational qualification required by the rule applicable to the post, is of capacity justifying his promotion and is specially fitted for the particular post in the office to which it is proposed to promote him. The exemption will not be permanent but will be subject to reconsideration by the head of the department or Commissioner at each step of promotion.

343. The rules as to educational qualifications requisite need not necessarily be followed in the case of a temporary appointment lasting or likely to last not more than six months. But if the period of the appointment is extended beyond six months or it is converted into a permanent post, the rules shall apply.

344. No objection need be taken to relationship amongst treasurers and their subordinates or between kanungos of the same district. In the former case the treasurer, being responsible for the honesty of his subordinates, is justified in nominating relations in whom he can have confidence. In the latter, the generally hereditary character of the appointments renders the occurrence of such connection unavoidable. In other cases the employment of relatives in government service in the same district is not very objectionable if they are in departments which have no connection with each other, but is objectionable if they are in the same or connected departments; still more so if in the same office. The most objectionable of all is the employment of relatives of the head of an office either in a similar department or in the same office.

G. O. no. 36A.,
dated 16th June
1895.

No exception need be taken in the case of officials who are related only to vakils; nor is there any objection to the employment of the relatives of honorary magistrates in the district in which the latter have power.

345. In making appointments, the greatest care is to be taken to prevent the natural tendency to permit the formation of family cliques of officials. District officers, when reporting a nomination for approval, should state in the "remarks" column of the statement the relations of the nominee who are in government employ in the district. This will enable Commissioners to judge if the nomination is objectionable on the score of relationship.

Cf. G. G. O.
(Fin. D.) no. 3205P,
dated 27th June
1910.

346. It is the duty of a government officer who wishes to transfer his services to a different government office or department to obtain the consent of the authority which appoints to his existing post before taking up the new employment. If he takes up the new employment without such consent, he commits a breach of discipline and is liable to be punished, in the last resource, by dismissal from his former post and consequent loss of pensionable service. Resignation of his former appointment will not, it should be noted, protect him from this penalty.

347. In granting or withholding consent to the acceptance by a subordinate of other government employment, the head of an office or department must consider whether the transfer will be consistent with the interests of the public service. Permission should not be refused however without strong reason, which should be recorded in writing.

348. The head of an office or department shall not employ, either temporarily or permanently, an officer whom he knows, or has reason to believe, to belong to another establishment without the previous consent of the head of the office or department in which he is employed. In the rare cases in which, for reasons which appear satisfactory to the new employer, an officer cannot obtain the required consent before taking up the new appointment, the employment may be made conditional on consent being obtained at the earliest opportunity.

349. The foregoing instructions apply equally to officers on leave, whether with or without allowances. All leave allowances must *ipso facto* cease on the taking up of new employment other than work of a purely casual nature.

Cf. G. O. no. 1818,
dated 23rd May
1882.

350. Government officials on their transfer from one district to another must not (without the special sanction, previously obtained of the head of the department to which they are subordinate) take with them or arrange for the transfer to their new districts of subordinate officials who were serving under them in their old districts.

Cf. G. O. no. 332A,
dated 7th Apr. 1879,
and no. 1, dated 7th
Jan. 1882.

351. It is unnecessary to fix the number of apprentices; but the following are the main principles to be observed by district officers, the working out of the details being left to them (subject to revision by the Commissioner on his annual inspection).

352. Apprentices should not be entertained in the treasury, the record room, or the nazarat: none but fully paid and responsible employes should be allowed admission to these departments. Nor should they be

employed in posts the duty of which is such that if it be not properly performed embezzlement is thereby rendered possible: e.g. the making up, check and comparison of accounts and other similar duties. In no case, where embezzlement or neglect of orders causing loss to the Government is brought to notice, can it be accepted as an excuse that the work had been made over to an apprentice, and this must be clearly understood with regard to all matters entrusted to them. As regards the English office, the establishments attached to the various courts, and what may be termed the miscellaneous department, two apprentices should ordinarily be sufficient for the English office, one for each court, and one, or at most two, for miscellaneous work.

Note.—The regular establishment ought to be able, save in exceptional circumstances, to carry on the work of the office; but it is not always easy to replace, even temporarily, an employé whose duties are of a special kind, unless there is available a reserve on which to indent. The provision of such a reserve of properly trained young men is the object of the apprentice system.

353. The following rules relate to the* selection and employment of apprentices:—

(1) No apprentice who has not complied with the educational test laid down in paragraphs 332 and 335 shall be entertained.

(2) As far as possible, selection of apprentices shall be made from promising local students.

(3) No apprentice shall be entertained without the express sanction of the district officer.

(4) District officers shall be responsible that apprentices are of respectable family and are generally eligible for employment in government service.

(5) District officers shall ascertain and satisfy themselves that apprentices have sufficient private means to maintain themselves during the term of their probation.

(6) Apprentices shall have a claim (*ceteris paribus*) to all vacancies in the lower grades of appointments in the office in which they are employed at the time in preference to all other candidates, except those who have been discharged on reduction of establishment.

(7) Each apprentice shall have his place and duty distinctly assigned to him in the office and shall work under some recognized superior employé.

(8) The punctual attendance at the office of apprentices shall be insisted on.

(9) It shall be clearly laid down that the entertainment of apprentices in no way affects the responsibility of paid officials.

(10) A register of apprentices shall be kept up in English, showing (1) date of entertainment, (2) work on which employed, (3) remarks (to be recorded annually) as to character and work.

B.—Certificates and character rolls.

354. Public officers should, in giving certificates to their subordinates, state the whole truth in respect of character and cause of dismissal or resignation of

Certificates.
appointment.

Cf. G. G. O. (H. D.) no. 3024, dated 17th Oct. 1873.

* *Note.*—The practice of advertising in newspapers for unpaid apprentices for employment in district offices is objectionable and should not be resorted to as Collectors can help each other in obtaining candidates on the occurrence of vacancies.

Cf. G. G. O. no. 153/III—225, dated 30th Jan. 1902.

Cf. G. O. no. 244A.
 dated 23rd Jan.
 1855, no. 469A,
 dated 30th March
 1877, no. 4, dated
 11th May 1877, no.
 2275A, dated 20th
 Oct. 1877, no. 35—
 III/263C, dated 11th
 Jan. 1899, no. 1090
 —III/983B, dated
 10th July 1902, no.
 1513—III/467, dated
 5th Oct. 1907, and
 no. 25/III—300,
 dated 9th Jan. 1911.

355. Character rolls should be maintained in the prescribed form for all government employes in public offices, except menial servants. The rolls should not be bound up in volumes, but should be kept separately.

Note.—This order does not apply to the Police department.

356. The responsibility for keeping up the character rolls will devolve on the heads of offices in the various divisions and districts. The rolls will be kept in special boxes made for the purpose: and the boxes will remain in the immediate custody of the ministerial head of the office, who will be held responsible that proper measures are taken to guard against the risk of loss or destruction of the rolls.

In the case of officials who are directly subordinate to the Collector, two sets of character rolls will be maintained, one for the sadr office and one for the mufassil offices.

357. The character roll will consist of four pages (more pages may be added when necessary).

On the first page will be entered the name of the official with certain other particulars regarding him, and a statement of his services. On the second page will be shown the names of his relatives in government employ and particulars of the landed property held by him. The third and fourth pages are reserved for the remarks of superior officers, (1) notice of commendation or rewards, and (2) notice of censure or punishments.

358. The official concerned will be held strictly responsible for the correctness of the entries in the statement of services as regards his previous service, and for the information regarding his relatives in government employ. He should also see that the particulars of the landed property owned by him are kept up to date.

359. The object of the third and following pages of the character rolls is to secure a continuous record of the efficiency, reputation and general conduct of each official; all proceedings or reports (annual or other) bearing on these points ought therefore to find mention in the rolls. A number of even petty faults may lead to the conclusion that an official is not efficient. The propriety of making entries in particular cases should be judged by these considerations: and whenever proceedings result in reward, punishment, commendation or censure the head of the office should give a definite order whether an entry is to be made in the roll or not. If gazetted officers, not being themselves heads of offices, find cause to criticise or commend the conduct of subordinate officials, they should submit their suggestions as to entries in the character roll for the approval of the head of the office. Entries should be made in English and should be as brief as possible, so long as clearness is not sacrificed, and should be supported by a reference to the authority for them, e.g. the number, &c., of the record, or the paragraph of the annual report. They should be signed by the head of the office or if the entry is made at the suggestion of a subordinate gazetted officer by such officer. In the latter case the entry itself should contain words to the effect that it has been approved by the head of the office.

360. Once a year the head of each office should examine the character rolls of officials at head quarters and record his opinion as to the efficiency, &c., of each official during the past year. If however special

entries have been made recently under the rule in paragraph 359, the head of the office will use his discretion as to recording further remarks. Most heads of offices are required to make annual inspections of their offices, and they should take the opportunity thus afforded of forming and recording an opinion. The rolls of officials not working at head quarters, e.g. tahsil officials, should be similarly examined and brought up to date when an outlying office is inspected.

361. Entries in the rolls may be made at other times in special cases, e.g. when the head of the office is giving over charge and is not likely to return for a considerable period, if at all, or when a question of promotion or transfer arises. In such a case the head of the office may amplify or correct the purport of the previous entries by a new entry giving his reasons for considering the former record inadequate or misleading.

362. All orders of promotion, and of suspension or dismissal, will be entered in the roll. Resignations of office connected with no cause of censure on the conduct of the official may be entered in a separate footnote.

363. If any order, whether of approval or censure, is overruled by superior authority, the circumstances will be carefully noted by a red ink entry, written across the original entry.

364. On all occasions of the promotion, suspension, or removal of an official, an extract from the character roll, comprising all its entries, will form a necessary part of the record when submitted, if requisite under the established rules, to higher authority.

In cases of removal or dismissal the service book and character roll, or an extract from the latter, should invariably (whenever such records are maintained) be kept in the file.

365. No official who has served in one district should obtain employment in another district without his character roll being filed with the proceeding of appointment; and on his appointment in the new district taking place, the roll will be removed from the proceeding and kept with the character rolls of that district.

366. Extracts from the character roll should be claimable by the official as of right, and should be given without expense, under the signature of the head of the office. But the extract should be complete, so as to comprehend *all* entries, whether of approval or the reverse. The practice of issuing commendatory *parwanas* or separate certificates of good character in the case of officials is strictly prohibited. Opinions as to peculiar ability and good character may be recorded on the extracts in cases in which they may be thought to be specially called for under the provisions contained in the rule in paragraph 361.

367. It is the duty of Commissioners, on their annual tours, to see that these rules are regularly and carefully observed by the several officers responsible for their execution.

C.—Punishment.

368. Culpable neglect of duty involves liability to dismissal from the service of the Government, apart from the question whether an official is convicted of any criminal Punishment.

G. O. no. 18,
dated 16th Sept.
1879.

offence or not. The two questions are entirely distinct and bear no necessary connection with each other.

Note.—Incompetence or gross neglect may be amply sufficient to justify dismissal in the interests of the public service, even though it may not amount to an offence punishable by law. But when an official has been prosecuted in a criminal court, and has after trial, on the merits of the case, been declared innocent of the charge brought against him, the verdict should be accepted as final, and the man should not be punished departmentally when the offence for which he was tried constitutes the sole ground for punishment. If however the official be acquitted on technical grounds, or if the facts established by the judicial investigation show that his conduct or character as an official has been such as to make it undesirable that his services should be retained by the Government, the head of the office to which he belongs may, in the exercise of the authority vested in him by the rules of the department, and after making a full record of the reasons, take departmental cognizance of such character or conduct.

Cf. G. G. O. (H. D.) no. 10/920, dated 15th June 1895.

369. The distinction that exists between the removal or discharge, and the dismissal, of a public servant should be noted. Removal from office for such a cause as unfitness for the duties of the officer need not usually entail any farther consequences. It ought not to bar re-appointment to another office for the duties of which the person may be suited, and it should not be accompanied by any subsidiary orders which would operate as such a bar or otherwise prejudice the person in question. Removal should be the penalty in all cases where it is not thought necessary to bar future re-appointment under the Government. In cases of dismissal, on the other hand, the effect of the order should be to preclude the dismissed officer from being re-employed.

Note 1.—Ordinary cases of the dismissal of non-gazetted officers need not be notified in the Gazette. As a precaution against the inadvertent re-employment of men who may have been dismissed, officers should ascertain whether an applicant for a post has been in government service before, and should refer to his previous employer if the circumstances connected with his discharge are not clear. The applicant should be required to produce a copy of his character book or other record of service, and a person who succeeds in obtaining employment by the concealment of his antecedents would obviously merit dismissal on the true facts being discovered. The sanction of the Government should always be required to the re-employment of persons dismissed.

Note 2.—The dismissal of public servants will be notified in the Gazette only (1) when it is necessary to notify the public of the removal from service of an officer, whether because his appointment was previously gazetted or from any other cause, and (2) when it is specially desired to exclude from re-employment in the service of the Government a public servant who has been dismissed for a heinous offence, such as fraud or falsification of accounts.

Cf. G. G. O. no. 1245/III—380/1904, dated 1st Sept. 1904, and no. 1896/III—91, dated 9th Sept. 1910.

370. In cases of alleged misconduct on the part of officials in connection with their public duties which apparently call for punishment, a departmental enquiry by an officer superior should in the first instance be made. If misconduct is found to have occurred, and such misconduct amounts to an offence punishable by any law, the officer empowered to inflict departmental punishment should determine (a) whether the misconduct should be dealt with departmentally, or (b) whether a prosecution should be instituted, and should record his reasons for adopting the course decided upon.

371. A prosecution should not be instituted unless the misconduct established is such that it cannot be adequately dealt with departmentally.

372. In all cases of departmental punishment other than dismissal or removal a formal proceeding embodying a statement of the offence or fault, the explanation of the person concerned, and the reasons for punishment should invariably be recorded.

373. In all cases of dismissal or removal the charge against the official, his defence, and the order thereon should be reduced to writing. The official should also be asked if he desires to put in a written explanation, and this explanation, if put in, should be placed in the record. In the cases of public servants who are dismissed or removed in consequence of facts or inferences elicited at a judicial trial, or in the case of persons who abscond with an accusation impending, this procedure may be unnecessary or impossible: but in all other cases of the dismissal or removal of public servants it should be strictly observed.

374. In many cases (such, for instance, as that of a subordinate official at an outlying tahsil station) the officer who passes the order of dismissal or removal may not be able to make the enquiry himself, and the proceedings leading to dismissal or removal would be conducted by the superior officer on the spot; but the officer empowered to pass an order of dismissal or removal should in all cases call for the offending official and give him a hearing and an opportunity of putting in a written explanation before passing the final order of dismissal or removal.

375. A subordinate official who is punished departmentally shall, provided that it is required for a first appeal, be entitled, free of charge, to a copy of the order of punishment, which copy he shall file with his petition of appeal. In cases where a second appeal lies under the rules, a copy of the order on the first appeal should also be granted free of cost. All subsequent copies of orders, original or appellate, should be charged for on the scale prescribed.

*Cf. G. O. no. 650/
III—253, dated 17th
May 1909.*

376. Subject to the provisions of any law, an appeal shall lie to the immediate superior authority against—

- (i) any original order of punishment other than a punishment consisting of a fine only;
- (ii) any original order of supersession where promotion depends mainly upon considerations of seniority,
- (iii) any appellate order which is less favourable to the appellant than the original order.

No appeal shall lie to higher authority against an appellate order confirming an order of dismissal or other punishment; but the authority immediately superior to the authority passing the original order, or in the case of an unsuccessful appeal the appellate order, may exercise revisionary powers in cases where in consequence of some flagrant irregularity some material injustice appears to have been done.

377. When an officer is reinstated after suspension pending inquiry into his conduct but with forfeiture of part of his pay or allowances during the period of suspension, the authority who reinstates the officer should, in the order of reinstatement, expressly declare whether the period in question shall or shall not count for pension. In the absence of such a declaration the period of suspension cannot be subsequently treated as pensionable except with the express sanction of the Local Government in each case. The consideration of this point, possibly many years after the matter had been settled, presents obvious difficulties. It is also very desirable that a similar declaration should be made in cases of successful appeal against an order of dismissal, with reference to the provisions of article 419 of the

*Cf. G. O. no. 814/
III—234-1906, dated
6th June 1906.*

Civil Service Regulations. The absence of such a declaration often results in considerable correspondence which might have been avoided had a declaration been made at the time.

Cf. G. G. O. no. 1509, dated 24th June 1907.

Note.—Care must be taken to conduct departmental inquiries in conformity with these orders. The most common defects of procedure that have been observed are—

(1) that officers frequently fail to comply with the prescribed procedure requiring a written charge and a written defence in respect of each offence;

(2) that after framing charges they often fail to give a specific finding on each charge;

(3) that sometimes they do not even discuss the charges framed, but confine their remarks on the whole case to some major charge which has not even been framed against the person who is the subject of the enquiry; and

(4) that the distinction between the effect of an order of removal and of dismissal laid down in paragraph 369 is not fully borne in mind.

D.—Miscellaneous.

Cf. G. G. O. no. 743/III—253, dated 2nd June 1909.

378. Conditional resignations, that is, when an officer couples with Threat of resignation a request for leave, or for redress of some sort, combined with application an offer to resign his appointment if the leave for leave or redress. or redress asked for be not granted, should ordinarily not be accepted. Orders should be passed only in regard to the application for leave or redress. If the officer is dissatisfied with the orders passed, it is open to him to appeal to higher authority or to tender an unconditional resignation.

Cf. G. G. O. no. 1597/VIII—506H, dated 27th Sept. 1902.

379. The uniform used by the police should not be copied for Uniforms of subordinates subordinates in other departments, and such not to resemble police subordinates should not be allowed to wear *khaki* uniforms. clothes with red safas.

Chapter XIV—Rules regarding courts and offices.

A.—Hours of business.

380. All magisterial and revenue courts, and all public offices, under the district officer's control should be open for the despatch of public business, and the presiding officers should be present in their places, not later than 11 a.m. Ordinarily courts should not sit, or offices remain open, after 5 p.m.

Cf. G. O. no. 163/III—519C., dated 11th Oct. 1900.

381. All judicial work should be taken up and disposed of in open court, but judgments may be written out of court. Reports at the hearing of which parties may appear, or which affect the interests of particular individuals, should be heard at *kachahri*.

382. The rule in paragraph 380 is not made imperative on district officers, but, in view of the fact that a district officer's example and supervision promote regularity and punctuality on the part of subordinate judicial and ministerial staffs, district officers should, so far as practicable, attend their *kachahri* at 11 a.m., and should deal in their offices with public correspondence so far as they can. The provisions of the rule in paragraph 381 apply to district officers.

383. Commissioners should fix and notify the days and hours when they will be found at their office by the public desiring to have access to them, and the rule in paragraph 381 applies to them.

384. Commissioners and district officers should assure themselves, by the introduction of registers of attendance, periodic inspection or other suitable methods, that these orders are complied with by all officers to whom they apply.

Note.—Commissioners may, for seasonal or other temporary reasons, substitute by special orders other hours for those specified in these orders: the ordinary court hours however should not be altered in any station unless all courts adopt the changed hours.

B.—Court language.

385. (1) All persons may present their petitions or complaints in Use of Persian or Nagri criminal, civil and revenue courts either in character in petitions. the Nagri or in the Persian character, as they shall desire.

Cf. G. O. no. 585 & 1578/III—348C., dated 18th Apr. 1900 and 1st Oct. 1900.

(2) (*Except Kumaun.*) All summonses, proclamations, and the file in vernacular, issuing to the public from the courts or from revenue officials, shall be in the Persian and the Nagri characters, and the portion in the latter shall invariably be filled up as well as that in the former.

386. The admixture of Persian and Arabic words in the language Style of official records. of official records is forbidden.

Cf. G. O. no. 12, dated 13th June 1867.

In recording the depositions of witnesses the actual words of each deponent should be taken down as far as possible.

C.—Use of English figures.

387. English figures should be invariably used in all official accounts of whatever kind.

388. Every order issued by a court or office for the payment of money from a government treasury shall be in English, unless the presiding officer is not acquainted with the English language.

Cf. G. O. no. 1179, dated 19th June 1880.

Cf. G. O. no. 339A., dated 22nd July 1873.

When the disbursing officer does not understand English, and the officer ordering the payment does, the order for payment shall be both in vernacular and in English.

Chapter XV—Correspondence, circulars, reports and returns.

A.—Classification of correspondence.

G. O. no. 324/
III—98, dated 22nd
Feb. 1908.

389. The following is a list of subjects dealt with in each department of the Secretariat. The departments into which correspondence is classified are as follows :—

- | | |
|------------------------------|-------------------------|
| I.—Revenue and scarcity. | X.—Financial. |
| II.—Appointment. | XI.—Municipal. |
| III.—General administration. | XII.—Miscellaneous. |
| IV.—Political. | XIII.—Separate revenue. |
| V.—Medical. | XIV.—Forest. |
| VI.—Judicial (criminal). | XV.—Education. |
| VII.—Judicial (civil). | XVI.—Sanitation. |
| VIII.—Police. | XVII.—Legislative. |
| IX.—Local self-government. | XVIII.—Industries. |

390. The following are the principal subjects falling under each department and should be a guide for the classification of cases :—

I.—Revenue and scarcity department.

- | | |
|---|---|
| Acquisition of land for public purposes (in matters connected with revenue administration). | Kanungos. |
| Advances under the Agriculturists' Loans and Land Improvement Loans Acts. | Land records and agriculture. |
| Agriculture and agricultural statistics. | Land revenue and administration. |
| Agricultural education. | Land revenue balances and balances of cesses and rates. |
| Alienation of state property. | Malikana. |
| Alluvion and diluvion. | Meteorology. |
| Assignments of land revenue. | Muafis. |
| Boundaries. | Mutations. |
| Census. | Orphans. |
| Cesses and local rates. | Ondh Settled Estates Act. |
| Correspondence relating to the land revenue of the country. | Partitions. |
| Court of wards and state properties. | Patwaris. |
| Crop forecasts. | Powers (rent, revenue, and under the Land Acquisition Act). |
| Crop and weather reports. | Prices current. |
| Deep stream rules. | Rain gauges. |
| Drainage. | Co-operative credit societies. |
| Establishments (revenue). | Relief works. |
| Famine and scarcity. | Revenue officials. |
| Farms (experimental). | Sale of ancestral property. |
| Farming leases. | Settlements. |
| Grants of land. | Surveys. |
| Irrigation. | Talbana. |
| | Talukdars. |
| | Taqavi. |
| | Territorial changes. |
| | Trigonometrical survey stations. |

II.—*Appointment department.*

Allowances	...	} of gazetted officers.	Promotions	...	} of gazetted officers.
Appointments	...		Retentions or retire-	...	
Civil List	...		ments.		
Conduct and dismissals	...		Salaries	...	
Death reports	...		Suspensions	...	
Joining time	...		Transfers	...	
Leave of all kinds	...		Travelling allowances		
Postings	...		Naib tahsildars.		
Tahsildars.					

III.—*General administration department.*

Army.		Presents.
Circulars and notices.		Printing presses.
Conduct of government servants.		Religious fairs.
Copyright.		Reports, returns and reviews.
Court hours.		Reports and registration of books,
Court language.		newspapers and other publica-
Correspondence.		tions.
Deaths.		Residences for government officials.
District officers.		Royal Humane Society.
Exemptions from examinations and		Rumours.
age rule.		Sarais.
Forts.		Sedition.
Important occurrences (including		Shooting passes.
fires).		Subordinate officials.
Medals.		Subscriptions.
Memorials.		Tours.
Mobilization.		Transport and carriage.
Newspaper prosecutions.		Trespassing on standing crops.
Official papers.		Volunteers.

IV.—*Political department.*

Afghan refugees.		Native states.
Boundary questions.		Naturalization.
Ceremonial visits.		Orders.
Certificates of identity.		Passports.
Darbars.		Petitions and memorials.
Decorations.		Pilgrims to Mecca.
Dress regulations.		Political détenus.
Kharitas.		Political pensions.
Levés.		Salutes.
Medals.		State prisoners.
Native chiefs.		Titles.

V.—*Medical department.*

All correspondence on administra-		Dispensaries.
tive questions with the Inspector-		Fees for attendance on native chiefs.
General of Civil Hospitals as		Hospital assistants.
head of the provincial medical		Medical attendance.
department.		Medical schools.
Christian burials.		Medical students.
Compounders.		Medicines.
Dead-houses.		

VI.—Judicial (criminal) department.

Absconded offenders.	Lunatics.
Accused persons.	Oaths of office.
Appeals.	Poisoners.
Arms and Arms Act.	Powers to officers (criminal).
Capital punishment.	Prisoners
Cattle trespass.	Prosecutions.
Chemical Examiner.	Public officers. Prosecution, for
Child murder.	defamation of—.
Counterfeit coin.	Railway accidents.
Convicts, transmarine.	Railways. Jurisdiction of magis-
Deserters.	trates in respect to—.
Europeans. Trials of—.	Records. Disposal of criminal—.
Extradition.	Rewards for apprehension of cri-
Fees for executing commissions	minals.
issued by courts.	Security for good behaviour.
Fines imposed by criminal courts.	Soldiers. Arrest of—.
Foreigners.	Vagrants.
Honorary and special magistrates.	Workhouses.
Appointment, &c., of—.	Whipping.
Jails.	Witnesses.
Lock-ups.	Wounded persons.
Lotteries.	

VII.—Judicial (civil) department.

Arbitration.	Marriages.
Civil procedure.	Pleaders and mukhtars.
Decrees of civil courts.	Power. Grant of—(civil).
Examinations (including examina-	Probates and letters-of-administra-
tion of junior officers).	tion.
Honorary munsifs.	Registration.
Intestate property.	Suits. Institution and conduct of
Kumaun civil reports.	—on behalf of the Government.
Legal Remembrancer's report.	Village munsifs.
Legal practitioners.	

VIII.—Police department.

Absconded offenders.	Escorts with troops.
Additional police.	Infanticide.
Administration of the department.	Police officers.
Arrest of offenders at Aden.	Professional poisoners.
Chaukidars, village and road.	Report of crime.
Criminal tribes.	Rewards for apprehension of cri-
Dieting of wounded persons.	minals.
Duties of police.	Uniforms.
Eunuchs.	

IX.—Local self-government departments.

Arboriculture.	Generally all questions connected with local self-government.
District boards' budgets and all questions relating thereto.	Lease and sale of nazul land placed under the management of district boards.
District boards' hospitals and dispensaries.	Membership and functions of district boards.
District boards' schools.	Revenue under Act III of 1903.
Ferries (under the management of district boards).	

X.—Financial department.

Advances and loans.	Building operations.
All references to imperial, provincial or local funds (other than district boards' fund).	Contingencies.
Alteration of recorded rates of rent.	Currency and stock note.
Banks and treasuries.	Embezzlement.
Budgets, other than those of district boards, and the administrative budgets of the Darh and Kumaun government estate, and all questions affecting budgets other than the foregoing.	Exchange compensation allowance.
	Pensions and gratuities.
	Pinning allowances.
	Retirement of officers below sixty years of age, and retention of officers beyond that age.
	Securities.

XI.—Municipal department.

Cantonments.	Lease and sale of nazul lands placed under the management of municipal boards.
Drainage of towns.	Notified areas.
Election, constitution and functions of municipal boards.	Nuisances.
Ferries under the management of municipal boards.	Rule, under Municipal and Water Works Acts.
Generally all matters connected with municipal administration and finances.	Taxation.
Hackney carriages.	Towns administered under Act XX of 1856.
	Water supply.

XII.—Miscellaneous department.

Archaeology.	Liveries and warm clothing.
Cemeteries and churches.	Stationery.
Deeds and other instrument. En-grossing, registering, &c., or—.	Treasure trove.
Supply of books and publications.	Holidays.
Newspapers.	Meteorology.
Gazettes.	Wild animals and poisonous snakes.
Libraries.	Native Christians.
	Circuit-houses.

XIII.—Separate Revenue department.

Excise.	Opium (including opium settlements and weighments).
Income tax.	Stamps.
Inland customs	
Nazul.	

XIV.—Forest department.

See Forest Manual.

XV.—Educational department.

Administration of the department.	Examination in vernacular of educational officers.
All matters connected with the election of fellows and rules and regulations of the Allahabad University.	Provincial text-book committee's proceedings.
Applications for appointments in the educational department.	Reformatory school.
Application for grants to schools.	Rewards for vernacular literature.
Education of European and Eurasian children.	Schools and colleges in general.
	Training colleges.

XVI.—Sanitation department.

Cholera.	Military encamping-grounds.
Deputy Sanitary Commissioners.	Mortuary and birth registration.
Destruction of infected clothing.	Sanitary board.
Epidemics.	Vaccination.
Fairs. Sanitation of—.	Village and town sanitation.
Fever.	

XVII.—Legislative department.

Business before Provincial Legislative Council.

XVIII.—Industries department.

All matters connected with the Thomason Civil Engineering College, Roorkee.	Horse-breeding.
Botanical, horticulture and other public gardens.	Horse disease.
Breeding stock.	Horse fairs and shows.
Camp equipage.	Industrial arts.
Carbide of calcium.	Industrial and technical education.
Cattle disease.	Industrial fairs and exhibitions.
Cattle shows.	Inventions and designs.
Civil veterinary department.	Merchandise marks.
Emigration.	Mines and minerals.
Exhibitions.	Mule-breeding.
Explosives.	Museums.
Factories.	Petroleum.
Ferries.	Post-offices.
Fire prevention.	Saltpetre and sulphur passes.
Fisheries.	Sericulture.
Geology.	Stallions (horse and donkey).
Glanders and farcy.	Statistics of industries.
Government printing.	Stores.
	Tea cultivation.
	Telegraph.
	Weights and measures.

**B.—Rules regarding the method of correspondence.*

391. The Government should invariably be addressed by letter and not by docket or endorsement, except in the case of certain prescribed forms which are forwarded by endorsement.

*Cf. G. O. no. 796
III—104, dated
10th Nov. 1884.*

Note.—A printed form of docket and letter has been prescribed for use in all correspondence with the Government. On page 1 of the docket should be entered only (a) the name and designation of the corresponding officer, (b) the number and date of his letter, and the number of enclosures or spare copies, if any, and (c) a carefully prepared abstract of the contents of the letter which should be as full as is consistent with brevity. Nothing should be written on the lower half of page 1 and the whole of page 2 of the docket. The letter should be written on pages 3 and 4. If extra sheets are added in the case of long communications, care should be taken to provide a margin as in the printed form.

392. In all cases forwarded for orders, whether enclosures are submitted or not, all that is important in the case or necessary for the full exposition of the subject should be stated in the letter.

*Cf. G. G. O. (H. D.)
no. 3105A, dated
13th Dec. 1861.*

393. In quoting any government order in reply the full numbering should be correctly given. If former correspondence is referred to, a government order should, if possible, be quoted, and not the last letter from the corresponding officer.

394. The practice should be avoided of transmitting to the Government, with covering letters, a mass of enclosures containing unnecessary repetition of the information intended to be conveyed. No papers should be submitted which are not essential to a clear and precise understanding of the question referred; at the same time it is necessary to avoid the opposite extreme of supplying deficient and meagre information. In cases of minor importance, in cases in which the point at issue is simple and can be briefly stated, and in all cases where the mere report of an occurrence is made, the information should be conveyed by a single letter. In cases which involve an important principle or are intricate in details or have produced elaborate discussions which cannot be rightly conveyed by any abbreviations, the mass of the papers can rightly be forwarded.

*Cf. G. G. O. (H. D.)
no. 768, dated 18th
May 1877.*

395. Correspondence on the subject of public buildings is dealt with departmentally and should be addressed to the Secretary to Government in the department concerned.

*Cf. G. O. no. 489)
III—149, dated 5th.
Aug. 1884.*

396. In all official correspondence and proceedings only those gentlemen whose titles have been conferred or formally recognized by His Excellency the Governor General in Council should be addressed or referred to as maharajas, rajas, &c.

*Cf. G. O. no. 50,
dated 19th Jan.
1878 (Oudh).*

The privilege of being addressed by the title of "Highness" is restricted to Ruling Chiefs who are entitled to a salute of not less than ten guns, whether permanent or personal. Further, as a matter of courtesy, the lawful and recognized wives and widows of all who bear or have borne the title of "Highness" may also be addressed by that title.

*Cf. G. G. O. (Fin.
D.) no. 573I., dated
8th Feb. 1889, and
no. 3476I, dated 2nd
Sep. 1889.*

397. The name and official designation of the writer should be specified in all letters and communications, and also in all copies of letters, &c., forwarded to higher authority.

*Cf. G. O. no.
177/III—149-9 and
1497/III—121, dated
20th Feb. 1885 and
12th July 1901.*

Cf. G. O. no. 663/
III—961B, and
459, dated 1st June
1874 and 19th Feb.
1881.

Style.

398. All officers are responsible for the matter and style of official letters issued in their names.

The use of vernacular terms in official reports and correspondence should be avoided: whenever it is considered desirable to employ such terms their English equivalents should also be given.

Cf. G. O. no.
3886/X—62, dated
25th July 1887.

399.

Signature.

All officers are expected to sign their letters with their own hand unless physically incapacitated or absent from head quarters, in which case a subordinate may sign for them. The use of rubber or other stamps for signature is prohibited.

When a subordinate signs a letter, the name of the officer for whom he signs as well as the office held by him and by his superior should always be specified below the signature.

Note 1.—Officers who use typewriters for demi-official correspondence should be careful to *write* their signature.

Note 2.—Rubber or other stamps should not be used for attesting any treasury documents.

Cf. G. O. no. 391
III—961B, dated
the 21st March
1904.

400. Subject to any provision of law requiring the signature of a particular officer, Collectors of districts are authorized to draw up lists of routine papers which may be signed by clerks. These lists will be subject to the approval of the Commissioners. It should be noted that section 68 of the Code of Criminal Procedure requires that every summons issued under that code shall be signed by the presiding officer of the court or by such other officer as the High Court may direct.

Cf. G. O. no. 485/
XII—929C, dated
4th March 1904.

Maps and plans.

When letters are accompanied by site map or plans, the plans or maps should be prepared as follows:—

- (1) The north side of the plan should be clearly indicated with an arrow, and the lettering should be so given as to be read when that side is to the top.
- (2) There should be a heading to every plan showing what it represents. The scale of the plan, the date on which it was prepared, and the number and date of the letter of which it forms an enclosure should also be noted thereon.
- (3) The surroundings of the site or locality concerned, e.g. fields or an inhabited site or bungalows or railway premises, &c., should be clearly shown on the plan in distinctive colours and intelligently referenced. In the case of roads the two main points between which they run should invariably be noted on the plan. Enough of the surroundings should be shown to enable a stranger to understand the character of the area in which the land in question is situated.
- (4) A plan accompanying a reference on which the orders of the Board of Revenue or the Government are required should ordinarily be submitted in duplicate, so that one copy may remain on record in the office of the Commissioner or Board of Revenue for reference in future when necessary.
- (5) The exact locality regarding which the reference is made should be always indicated by a wash of colour and a marginal note.

402. The date on a letter should be that on which the letter is despatched except for special reasons.

Cf. G. G. O. (H. D.)
no. 4307/I, dated
19th Sept. 1871.

403. Covers containing official correspondence not of a confidential nature should be addressed to the officer for whom they are intended by his official designation only.

Cf. G. O. no. 2035/
III—770C, dated
10th Dec. 1903.

Confidential letters.

Confidential papers should be placed in double covers, the outer cover being addressed as above, and the inner cover being marked confidential and subscribed with the name only of the addressee.

404. When more than one letter is sent on the same day to the same office, all letters so despatched should ordinarily be included in one cover and not sent separately.

Cf. G. O. no. 588
XII—916C, dated
1st May 1891.

When more than one letter is sent.

405. All papers intended for translation by the government translator should be sent to the address of the Secretary to Government in the department concerned. Only such matter as requires the services of a skilled translator should be sent.

Cf. G. O. no. 400
III—228C, dated
14th Apr. 1897.

Papers for the government translator.

406. All communications regarding information required about a native state or the institution of any action, such as the survey for a canal, within the territory of such state, should, when not addressed by the Local

Cf. G. O. no. 1225 and 44/IV—
260, dated 9th Dec.
1909 and 15th Jan.
1910.

Communications with native states.

Government to the Government of India in the Foreign department, be made either to the Agent to the Governor General in the case of states in the Rajputana and Central India Agencies, or to the Resident, in the case of Nepal. In no case should direct communication be made to darbars or to subordinate political officers.

Note.—These orders do not relate to police and criminal work dealt with in the Police Regulations.

407. Direct (official) communications between government officials in India and officials in (1) the United Kingdom, (2) Continental Europe, and (3) the Colonies are irregular. All references should be submitted through the Government of India.

Cf. G. O. no. 2433/
III—860A, dated
16th Dec. 1889,
G. G. O. (H. D.)
no. 5-182, 8-735 and
312-319, dated 30th
Jan. 1890, 23rd Apr.
1896 and 14th March
1906.

Exceptions 1.—These orders do not refer to the Local Government nor do they apply to correspondence with the Director-General of Stores, vide paragraph 2447.

2.—The Inspector-General of Police and District Magistrates may correspond directly with British officials in the United Kingdom and the Colonies regarding criminal cases actually under investigation or any matter connected with police intelligence, but, whenever possible, they should communicate directly with the Director of Criminal Intelligence in India, who may be in a position to supply the information desired. A copy of any communication to any British official outside India should invariably be sent to the Director. Copies of all direct correspondence of this kind should be submitted to the Government of India, as it is desired that it should be forwarded to the India Office for information.

408. References should not be made direct by the Government of India or the Local Government to His Britannic Majesty's representatives abroad except as provided in paragraph 409. Such references should be made through the medium of His Majesty's Government.

Cf. G. G. O.
no. 1319E, dated
13th June 1910 and
2436-G, dated 1st
Dec. 1910.

409. (1) Direct correspondence may be resorted to:—

- (i) By the Government of India with Colonial Governments on any matters of Indian interest, provided that in any case involving an eventual reference to His Majesty's Government care is taken to avoid expressing an opinion pending that reference.

- (ii) By the Government of India with British diplomatic or consular representatives in Persia, China, Siam or elsewhere about petty matters, such as the loan of Indian officers, the grant of facilities to travellers, the despatch of Indian escorts to Persia, the management of the Indian pilgrim traffic, the deportation or repatriation of destitute Indians, &c.
- (iii) By departmental officials such as the Director-General of the Post Office or the Director-General of Telegraphs in India with foreign departmental officials about matters affecting the business of their departments.

(2) The same rule applies to direct correspondence of Local Governments also so far as this has been customary in the past or has been authorized by specific orders.

G. G. O. (H. D.)
no. 289, dated 30th
Jan. 1907.

(3) In no circumstances may communications be addressed direct by subordinate officers in India to His Britannic Majesty's representatives in China. If communications have to be made to such officers, they should be forwarded to the Local Government which will send them direct to the consular office of the treaty port nearest to the place where the person who is the subject of the communication is believed to reside.

G. G. O. (H. D.)
no. 1377, dated 23rd
June 1887.

410. All letters, &c., addressed to His Majesty the King-Emperor, or to members of the Royal Family, or to high officials of His Majesty's Government in England by public bodies or individuals in India, should be sent through the Local Government to the Government of India (Home department).

G. G. O. no. 57A.,
dated 25th Sept.
1877.

411. Copies of official letters are not to be given as a mere matter of course. When recommendations for the grant of jagirs, assignments of land revenue, political or charitable pensions, and the like are made, copies of the recommendation should never be given; and the same principle holds good in most executive matters. A copy of a report submitted to superior authority should not, as a rule, be given to the party concerned; it may raise false hopes and it may, on the other hand, give rise to petitions and memorials protesting against the views of the reporting officer. Neither should copies of official letters from supreme authority be ordinarily given. The parties concerned should be informed of the nature of the order that has been passed. Should any one of them require a copy of the letter, he should be referred to the superior officer by whom the order was passed, and from whose office the letter issued.

Copies of letters and
reports not to be given
in all cases

C.—Circulars and notices.

G. G. O. no. 1515/
III—581, dated 16th
July 1910, and no.
1000/VI—126B, da-
ted 18th May 1889.

412. Only those circulars, addressed to subordinate officers by heads of departments, which enunciate important principles or changes of policy not already sanctioned by the Government or for which the sanction of the Government is specifically required by law, must before issue be submitted to the Government for sanction.

Copies of all circulars issued by heads of departments on their own authority should be submitted to the Government for information at the time of issue.

413. The Government disapproves of notices which call attention to the law or proclamations addressed to the public in general or to any class of the public being issued by any authority except that of the Government. Heads of departments are authorized to call the attention of their own subordinates, by means of circulars, to existing rules and orders (vide paragraph 412); but officers subordinate to the Government have never been permitted to issue instructions or to expound the law by proclamations or notices to the general public. Magistrates who think that the attention of the people should be called to certain provisions of the law, or who desire to issue general proclamations on any matter of importance not provided for by law, should submit their proposals to the Government through the Commissioner.

These orders are not intended to restrict the power of Magistrates to issue notices or proclamations regarding matters which it is necessary or desirable to make known to the public, e.g. the closure of a road, the outbreak of disease at a fair, or the like.

D.—Reports, returns and reviews.

(i) General.

414. The practice of heads of departments calling for reports from all Commissioners and Collectors upon matters with which they could themselves deal or on which only a few local officers could give a really useful opinion should be discouraged as far as possible. Where advice from Commissioners or district officers is required at head quarters a report should usually be called for from a few selected officers.

Cf. G. O. no. 2318-2374/III—824 B., dated 19th Oct. 1893.

Cf. G. G. O. (H. D.) no. 4299, dated 29th Nov. 1909, and G. O. nos. 39 and 40/III—515, dated 18th Jan. 1910.

(ii) Periodical reports.

415. The list of annual reports* and returns with the dates for their submission to Government is contained in appendix I.

Cf. G. O. no. 90 dated 19th Apr. 1881.

416. A report should contain only the explanation of really important or suggestive variations in the statistics and the statement of really noteworthy facts in the history of the year's administration. No mere paraphrasing and reproduction of statistics should occur.

Cf. G. G. O. (H. D.) no. 987—1013, dated 25th Feb. 1901, and G. O. no. 282/III—481C, dated 3rd March 1902.

Note 1.—The report on the Magh mela should state (1) the number of persons present; (2) the arrangements made for conservancy; (3) the extent of crime and the police arrangements; (4) the health of the people and the provision made for medical aid, and (5) the financial results, with any other matters of importance or interest.

Cf. G. O. no. 357/XII—96, dated 22nd Feb. 1907.

Note 2.—In any year in which the Magh mela is of sufficient importance to require a separate report from the Sanitary Commissioner, the report should be sent to the Magistrate of Allahabad so as to reach his office on the 1st March. The Magistrate will forward it to the Commissioner with his own report.

Cf. G. O. no. 1696/III—285, dated 16th Oct. 1905.

417. Similarly, a review should be strictly limited to comment or criticism on the general results, so far as comment or criticism is required,

* *Note.*—Twenty copies of all reports of general interest will be sent to the India Office, London, by the Superintendent, Government Press, United Provinces. In case of doubt he should refer the matter for the orders of the Government.

Cf. G. O. no. 1489, dated 11th Oct. 1909.

or to directions arising out of some statement of fact or opinion which seems to require notice by the Government. It should contain no précis or summary of the report.

418. All attempts to offer explanations of variations in the figures, which are not important or unusual, should be excluded, unless the fact alleged in explanation is in itself important enough to demand mention. The idea that it is necessary to say something should be discarded, and it should be recognized that the briefer a report is the better if it says all that need be said to show an intelligent comprehension of the meaning of the facts and figures and of the salient features of the year's work.

419. The body of the report should be almost entirely in narrative form: if occasionally it is necessary to introduce tables of comparative statistics into the narrative, such statements should be brief and simple, and their number rigidly restricted.

420. In the case of all reports for which statistical tables have been prescribed by the Government as appendices, no additional table should be appended to, and referred to, in the report without the previous sanction of the Local Government. In the case of reports prescribed by the Government of India, the previous sanction of that Government is necessary to the submission of additional appendices.

421. The maximum limit fixed for printed reports applies to years of ordinary conditions, and, though it need not be worked up to in every year, should never be exceeded, unless the writer has, for exceptional reasons, sought from the Government, and obtained, before undertaking his report, permission to exceed it in a particular year. In the case of manuscript reports the standard or limit fixed should be observed, so far as possible.

422. The head of the department or the head of the office is responsible for a report, and the submission, with an annual report, of reports or notes by subordinate officers is strictly prohibited. Assistance received from a subordinate officer in connection with the preparation of a report can be duly acknowledged therein.

423. The record of the writer's views on points cognate with the subject matter of the report, and the introduction of discussions, in themselves useful and possibly interesting, are wholly out of place and are prohibited.

424. Censure or criticism of officers of other departments of the Government should not be expressed in an annual report. Cases in which such action seems called for should be reported separately, if necessary, for orders.

425. The following instructions relate to minor matters:—

(i) When maps are given, it is convenient to place them at the beginning or end of the volume.

(ii) Maps and diagrams are occasionally useful as graphic illustrations of interesting or important variations and in reports of a special character, such as that relating to railways; but for ordinary reports tables answer all purposes.

(iii) Tables of statistics should not be printed sideways on a page unless distinct economy of space thereby results. The foolscap size lends

itself easily to the printing of tables, with their heading across, instead of along the length of the page.

(iv) Pages of tabular matter are frequently printed with the columns left entirely or almost entirely blank. This is in almost all cases unnecessary. It can often be remedied by dispensing with columns seldom used, and sometimes by discontinuing or recasting the return.

(v) The number of pages fixed as the maximum limit of the report should be given on the page containing the table of contents.

(vi) The practice of giving in full detail and in separate columns in tables of statistics the corresponding figures for the preceding year is objectionable. In most cases it will be found sufficient to give corresponding figures for the totals only, by means of one additional line at the foot of the table.

(vii) Cross references between the statistical tables and the paragraphs discussing them should be given by means of marginal entries on the paragraphs and, if possible, also on the tables themselves.

(viii) Reports must be printed in solid pica and the extracted matter and appendices in small pica; statistical appendices may be printed in small pica, bourgeois or brevier as may be found convenient.

(ix) Reports must be submitted by the fixed date.

(x) The title-page of a report should invariably show the day and the month on which the year of report ends.

(xi) All printed reports will bear as final date the day on which the last sheets, finally corrected, were sent to the Press from the office of submitting officers, with orders to print them off; and the date of issue of such reports from the Government Press will be printed on coloured paper and pasted on the first page of the report.

(xii) The responsibility for the correctness of all figures in reports submitted to the Government rests with the submitting officer, and as soon as a report is printed, he should have the figures carefully checked in his office. It should be certified that this has been done and the figures found correct or the necessary corrections made. When reports are received direct by the Government from the Press, the result of the checking should be communicated separately with as little delay as possible.

(xiii) In the case of important printed administration reports, a table of contents showing the subject dealt with in each paragraph should be prefixed, and a list of appendices, quoting the page on which each is printed, should be prefixed to the appendices.

(xiv) Fractions of a rupee should be omitted from tabular statements and from the body of a report except where necessary, such as in the case of rates or percentages.

Note.—The head of a department should carefully examine a report on receipt, and check any breach of rule or tendency to depart from the above instructions. A similar examination will be made on receipt by the Government of a report from the head of a department.

Subsidiary reports and **426.** The following instructions relate to returns. subsidiary reports and returns :—

(i) In the case of an annual report, with prescribed appendices, additional statistical statements may not be called for by the head of a department or other intermediate authority receiving the report.

Gf. G. O. no. 777/
III—481C. dated
2nd June 1902.

(ii) A new periodical report or return may not be permanently prescribed without the sanction of the Government.

(iii) If a periodical return for a limited period is prescribed, a copy or translation of the form should be inserted in a guard-book, and the name of the return, of the officer prescribing the return, the date of his order, and the date from, and to, which the return is to be submitted, should be entered in a table of contents prefixed to the guard-book.

(iv) Heads of departments should intimate to the Government the imposition by them of such temporary returns, and should when on tour examine the guard-books of subordinate officers, with a view to the elimination of obsolete or unnecessary returns.

(v) General instructions regarding the preparation of annual administration reports should not be issued by the head of a department without the sanction of the Government.

(vi) A report or return which can be prepared in a higher office should not ordinarily be called for from a lower office.

(vii) A report on receipt should be examined in the office of receipt, the appendices compared with the authorized list of appendices, and any unauthorized appendix returned immediately to the writer.

(viii) In manuals and volumes of orders prescribing returns and giving specimen forms of them, the number of the paragraph or section of the rules prescribing the return should invariably be entered on the specimen form, to facilitate reference to the authority for the return.

(ix) A return should not be called for from districts which cannot possibly send in any but blank returns. As a precaution, in the case of periodical returns other than annual, at the beginning of the year a docket should be sent by a local officer stating that the return has been blank during the past year, and may be assumed to be blank during the ensuing year, unless intimation is given to the contrary.

(x) In the case of such papers as indents, requisitions, and nomination rolls, unless the articles indented for are invariably required at stated intervals, or unless nomination is obligatory, the documents should not be regarded as returns the submission of which on fixed dates is compulsory.

Cf. G. O. no. 1725,
dated 23rd Oct.
1900.

427. When the Government has occasion in a review or resolution to thank, or to acknowledge the assistance rendered by, any private gentleman, district officers concerned should cause him to be informed of the fact by sending him a copy of the portion of such orders in which reference is made to him, or by communicating to him the purport of the orders affecting him.

(iii).—*Reports regarding important occurrences.*

Cf. G. G. O. (H. D.)
no. 251, dated 31st
Jan. 1899.

Cf. G. O. no. 225/III
—166C-15B, dated
28th Feb. 1899.

428. (1) All important occurrences within their districts shall be reported demi-officially by District Magistrates to Commissioners in accordance with the rules in paragraphs 429—431.

(2) On receipt of District Magistrates' reports in such cases Commissioners shall pass such orders as may be necessary and submit a demi-official report to the Government.

CORRESPONDENCE, CIRCULARS, REPORTS AND RETURNS.

429. The occurrences to be reported include—

- (1) specially serious crimes ;
- (2) professional dacoities ;
- (3) murder of peculiar atrocity ;
- (4) fire raising in houses ;
- (5) serious defalcations of public money ;
- (6) accidents with severe loss of life ;
- (7) severe injury caused by shooting parties ;
- (8) accusations of ill-treatment or torture by the police ;
- (9) riots which involve a serious breach of the peace ;
- (10) all collisions between Europeans of all classes and Indians (excluding alleged assaults regarding which there is no confirmation, or assaults of a positively insignificant character) ;
- (11) *outrages which have a political aspect ;
- (12) calamities, such as floods or earthquakes ;
- (13) all other events which have a political or administrative importance.

430. All cases of classes 9—12 and specially important cases of the thirteenth class, as requiring report to the Government of India, should be reported by telegram, whether by Magistrates to Commissioners or Commissioners to the Government. In other cases reporting officers will use their discretion. Where reports relate to the commission of serious crime, they should be addressed to the Judicial Secretary to Government by name ; all other reports, whether by demi-official letter or by telegram, should be sent to the Chief Secretary by name.

Note 1.—Commissioners should report to the Judicial Secretary to Government by special demi-official letter only such dacoities as are of an undoubtedly professional type or which present special features rendering it advisable that the Government should receive early intimation of them. The prevalence of dacoity of an ordinary character may, when necessary, be briefly noticed by Commissioners in their fortnightly demi-official letters to the Chief Secretary.

Note 2.—The rules do not affect the instructions for the submission of similar occurrences by superintendents of police to the Inspector-General.

Note 3.—Whenever telegraphic reports are made to the Government of India of cases of serious riots, raids, affrays, outbreaks or other similar events of sufficient importance to justify special reports they should also be invariably repeated to the Chief of the Staff of the Army in India.

431. The preliminary report should be followed by a further report, intimating the action taken or the result of the investigation or of the trial, if any. Where such further reports are made officially the demi-official correspondence should be closed by a reference to the official papers.

**Note.*—On the occurrence of outrages which have a political aspect Commissioners should, even when no military officer, soldier or follower is concerned, send intimation to the Officer Commanding the stations at places where troops are stationed, or to the General Officers Commanding Brigades if at places where there are no troops.

The detailed report addressed to the Local Government upon any such occurrence need not be communicated by the local civil officers to the local military authorities, unless the co-operation of the latter is sought. If necessary the Government will communicate with the General Officer Commanding the Division.

Cf. G. O. no. 263/III
—240, dated 10th
Feb. 1908.

Cf. G. G. O. (H. D.)
no. 1113, dated
14th May 1907.

Cf. G. G. O. (H. D.)
no. 2080, dated 10th
Aug. 1900.

Cf. G. G. O. (H. D.)
no. 3367, dated 14th
Dec. 1900.

432. In all cases of the kind which call for orders from the Government, the Government will forward an official report to the Government of India, intimating its decision, and communicating the orders passed as soon as the facts have been reviewed and orders issued.

*Cy. G. O. no. 1311
and 1005/III—166C,
dated 20th Sept 1899
and 23rd June 1900.*

433. In order that the Government may be placed more directly in touch with the administration, Commissioners should once a fortnight—on the Monday or Tuesday of every alternate week—send a demi-official communication addressed to the Chief Secretary by name, containing such general information as it is desirable the Government should be in possession of in regard to the condition of their divisions, the state of public feeling, and any important events which may not have been reported separately under the rules in paragraphs 428—431. No list of the occurrences that should be reported has been framed, as this would defeat the object, which the Government has in view, of confining the reports within comparatively narrow limits, while the character of the matters that should be brought to the notice of the Government must necessarily vary at different times and in different places. A letter of not more than four foolscap pages, written half margin (type-written, where practicable) would, in ordinary circumstances, be sufficient. It would deal more particularly with any circumstances likely to affect the material prosperity of the people, and with any matters connected with the agricultural condition of districts, as well as with the general state of popular feeling, and any movements of political importance. The communication will be submitted for information merely, and if any points are brought to notice which appear to require official action, directions will be issued that they should be separately reported in the usual official manner. Commissioners may make such arrangements as they think necessary to obtain from district officers material for their fortnightly letters.

Chapter XVI.—Tours of officers.

A.—General instructions.

434. Before the cold weather Collectors should arrange what parts of the district each assistant is to visit, and to what subjects his inquiries are to be specially directed.

Cold weather tour of officers on the district staff.

Cf. G. O. no. 1780A dated 15th Aug. 1877, no. 2570/I—15B-1, dated 4th Oct. 1892, no. 2528 III—816B, dated 21st Nov. 1893, no. 1082/XII—86A, dated 19th July 1894 no. 339/III—268, dated 10th June 1908, and no. 863 and 1090, dated 28th May and 6th July 1910.

435. (1) All officers of the district staff are expected to spend as much time in camp each year as is necessary for effective supervision, for the disposal of work demanding local inquiries, and for acquiring a full knowledge of their districts. A Collector or Deputy Commissioner must visit at least once a year each tahsil of his district, and a deputy collector must similarly visit the sub-division of which he is in charge. District officers will arrange that European assistants shall spend as much of the cold weather as possible in camp, and will see that they do not waste their time. No fixed period of tour is prescribed, but Collectors might well spend not less than three months in camp in each year, except in districts specially circumstanced, such as Benares and Allahabad. For deputy collectors an average of two months each appears ordinarily sufficient.

(2) In addition to spending two months on tour during the cold weather within the limits of the tahsils of which they are in charge sub-divisional officers must also visit the head quarters of their tahsils in the rainy season. The time spent there in the rainy season must not be less than twelve days in each year. When a sub-divisional officer is in charge of two or more tahsils he should spend the prescribed twelve days at the head quarters of each. The Collector may however use his discretion if any tahsil is of so little importance that the orders may be read as not fully applying to it.

436. Collectors should submit to Commissioners by the 15th of April a return in the prescribed form showing the names of assistants who have made tours, and of those who have not, with any necessary explanations. Commissioners will pass such orders thereon as may be necessary.

437. Inconvenience to parties and witnesses, which is perhaps to some extent inseparable from the hearing of criminal, rent and revenue cases by officers of the district staff while on tour should be obviated as far as possible by considerate arrangements and by the observance of the following rules :—

Hearing of cases by officers while on tour.

(1) Every officer before proceeding on tour should draw up and publish a programme of his movements, should adhere to his programme as closely as possible, and send notice to his head quarters of any change.

(2) When parties and witnesses are summoned to appear in camp the place as well as the date should always be stated in the summons.

(3) Cases should be taken up as near as possible to the villages concerned.

(4) Arrangements should be made periodically to visit head quarters during the course of the cold weather tour, and to hear at head quarters

cases of importance in which the parties on both sides are represented by pleaders.

Note.—See also paragraph 906.

438. Every covenanted assistant who has not completed five years' service, and every deputy collector who has not completed five years' service in the revenue department, is required to keep an official diary, while on tour. Officers who have been five years in the revenue department, even in subordinate posts, are not required to submit diaries.

439. Diaries should be written from day to day or at short intervals and should be sent at such intervals as they may direct to Collectors, who will pass orders where necessary. At the end of the month Collectors will submit the diaries to Commissioners. Diaries need only be submitted to the Board and Government for some special reason.

440. Diaries should not be too diffuse, and discussions on theoretical subjects and remarks on the ordinary incidents of travelling should be avoided.

Note.—The following are the subjects, notice of which should find a place in the diary :—

(a) Conduct of mufassil subordinates in the revenue and police departments, the manner in which they have carried out the orders of the Government, and the general character borne by them.

(b) The mode in which district roads have been repaired. All public works, government, municipal or local, in progress should be inspected, and the manner in which they have been executed should be noted; also those for which tagavi advances have been given.

(c) The condition of public buildings, tahsils, thanas, schools, pounds, &c., should be stated and requirements in the shape of culverts, raising or realignment of roads, &c., noted.

(d) Municipal administration and the wants of towns under Act XX of 1856 should be carefully examined, with a view to the discovery of defects or of the necessity for improvements.

(e) The inspection of tahsils and sub-registrars' offices in accordance with the standing orders, with the results, should be referred to.

(f) The supervision of land records in accordance with the instructions contained in the Board's circulars should also be mentioned.

(g) The following should also be noted as opportunity offers or special orders require—

The state of the crops.

Education, with special reference to schools visited.

Vaccination.

Improvements in agriculture and breeding of stock.

Irrigation; the encouraging of zamindars to make wells, tanks, or *bandhs*.

Trade and trade registration.

Archæology.

Excise administration.

Enforcement of the stamp law.

B.—Rules regarding the hiring of carts.

441. The district officer should at the commencement of each camping season determine the rates of hire to be paid by the month or the day as the case may be. These should be fixed in accordance with the amount that cartmen might reasonably expect to be paid in the open

market with due advertence to the size and number of the animals and the capacity of the carts.

These rates should be paid for all carts obtained for any purpose through official agency, from the date on which the carriage is engaged by the tahsildar to the date of its discharge, both inclusive, and full hire should be paid for halts.

Note.—*Cf.* also paragraph 446.

442. If carts are taken by the day in order to carry baggage by stages and discharged at a distance from the home of the cartman, half hire should be paid for sufficient days to enable him to return to his home : and double pay should be given for double marches.

443. Many civil officers arrange without the intervention of any official agency to hire carts by the month during the tour season. Such arrangements need not be interfered with and it would be well if they were generally adopted.

In the case of all officers on tour during the cold weather hiring by the month should be the rule, and it should be quite the exception to take carts from camp to camp only.

Note 1.—So far as possible it should be the business of touring officers to look for contractors near their own head quarters, and not to call on the tahsil for them at the last minute, as it is a simple matter for the tahsil to report that no contractors can be found. There can be no doubt that fees paid to avoid impressment form an important portion of the perquisites of certain tahsil subordinates ; and it is hardly to be expected that the tahsil will be an enthusiastic supporter of the alternative course.

Cf. G. O. no. 1698/
III—90, dated 17th
Nov. 1910.

Note 2.—For the appointment of chaudhris of carters paragraph 561 should be seen.

C.—Rules regarding supplies.

444. Every Collector should at the beginning of the tour season issue instructions to his tahsildars to regulate the collection and furnishing of supplies to the camps of civil officers on tour. A copy of these instructions should be given to all officers in charge of camps in the district. Commissioners in the course of their cold weather tours should see that proper instructions are issued by Collectors and that supplies are paid for. Detailed rules which shall be applicable to the entire province cannot be given but the instructions issued by Collectors should at least conform to the following general principles :—

- (1) Indents are not required for ordinary articles of food, flour, grain, sugar stuffs, oil, tobacco, which are sold by shopkeepers, and the consumption of which can be estimated by the tahsildar. For the sale of such articles a shop will be opened in the camp. It is most important that every officer on tour should interview the camp *bania* before marching from a halting place and ascertain from him that he has been fully paid.
- (2) It is better that eggs, vegetables, fowls, meat and such should be obtained as required from the head quarters station and sent out to camp, but if these or milk and other perishable articles are absolutely required, an indent should be sent to the tahsildar, as well as for other articles of food which are not sold in village shops. The quantities indented for should be taken over and paid for on arrival of the camp. If the persons from whom

TOURS OF OFFICERS.

these supplies are obtained cannot be present to receive payment, arrangements must be made for their receiving it.

- (3) The labour of carpenters in splitting wood, and of coolies employed in cutting grass, putting up tents, loading carts or carrying loads, should be paid for. Every precaution should be taken to ensure that coolies and artizans who are called on to work for civil departments are paid at the full market wages of labour current at the place at which they are engaged.
- (4) The use of metal water vessels will obviate to some extent the necessity for earthen vessels, but if earthen vessels are required, the officer in charge should determine the number and inform the tahsildar and no more than that number should be obtained for the camp. When earthen vessels are supplied they should be paid for, and the potter himself or one of his family should be encouraged to attend and receive payment.
- (5) Straw used for spreading in the tent, for bedding for camp followers and as litter for horses is by the ancient custom of the country provided free of charge by landowners. There seems no reason to interfere with the custom sanctioned by immemorial usage so long as the people concerned do not object to it. The straw used for the tents and as bedding should never be removed from the camp by any of the servants or the followers and as far as possible if there is a choice between rice straw and sugarcane leaves and other materials, rice straw should not be provided. The officer in charge of each camp should fix approximately the amount of straw required according to the size of the camp and more than the fixed amount should not be supplied. In damp districts more straw is needed than in dry districts. Straw should be provided by the landowners and should not be taken from tenants.
Wood for fuel should be paid for in all districts.
- (6) The tahsildar under the orders of the Collector should, on the basis of prices current in the neighbourhood, fix the rates to be paid for all articles of consumption, and a copy of the schedule of rates should be given to the camp shopkeepers and to the officer in charge of the camp. In drawing up the prices current due allowance should be made for the distance the shopkeeper has to bring his supplies, and officers in charge of camps must be very careful to see that their servants and followers pay the full rates shown in the lists.

Chapter XVII.—Orders relating to the Army.

A.—*The provision of carts for troops on the march.*

445. Exchanging stations have been fixed * for all routes and the rules in paragraphs 447—455 have been issued in the Army Regulations.

General.

446. The chief points to be observed by civil officers are as follows:—

- (i) Civil officers should receive at least four copies of indents for hired carriage fifteen days before it is actually required. These should be dealt with as directed in the instructions. District officers are responsible that no delay occurs in passing on the requisitions to other districts.

Note.—A combined form of indent and notice to exchanging stations has been introduced to reduce clerical labour: a copy is contained in appendix 2.

- (ii) The civil officer must fix the hire rates to be paid for carts engaged in his district, informing the local military authorities.

Note.—*Cf.* also paragraph 441.

- (iii) He should depute an official who knows English to be present at the exchanging station to make over the carts on arrival of the regiment, and to see that the carts released are at once allowed to return and all disputes settled.

- (iv) On engaging a cart the civil officer will advance the cartman at once half hire from the date of engagement to the estimated date of his arrival at the next exchanging station. The amount so advanced should be recovered from the Supply and Transport officer when the carts are made over.

447. Indents will be made on the civil authorities for hired carriage required for the movements of troops or stores, and will be sent so as to reach the district or political officer concerned, if possible, not less

Rules for supply of carts
Rule I.

than fifteen days before the carriage is required.

448. Hired carriage will not ordinarily be required to proceed beyond the limits of the next civil district on the route, but will be exchanged, if possible, at such

Rule II.

stations therein as may be fixed by the local civil authorities. It will be paid for at the authorized local hire rate from the date on which it is engaged by the civil officer for the march to the date of its discharge, both inclusive, but if taken double marches, double rates will be paid for each such march. Return hire will only be admissible when the carriage is necessarily taken beyond the nearest exchanging station, when half the full hire rate will be paid for each route book or other recognized stage on the return journey without any allowance for halts. When circumstances render it necessary to collect the carriage before the date on which it is required, the civil authorities will always notify to the indenting officer the time required for collection prior to the start and the probable

Cf. G. G. O. (M. D.)
no. 574-C. Transport, Land, dated
3rd March 1904.

* In each district the exchanging stations in that district and the neighbouring districts should be noted in the Manual of Government Orders at the foot of these rules. When a station is changed the district officers of the neighbouring districts should be informed.

extra expense that will be incurred. Similarly, any carriage indented for, which may be found in excess of final requirements and discharged before the march commences, will be paid for at the full hire rate for each day or part of a day for which it is retained. If carriage is declared unserviceable by a committee of officers (which should include a civil officer) it will not be paid for. When chaudhris are engaged to collect carriage, their fees at local rates will be paid by the owners and not by the military department.

449. On engagement of the carriage the civil or political officer will advance to the owners half the estimated hire for the full journey and will then send

Rule III.

the carriage to the place required in charge of a tahsil or darbar official, who will hand to the indenting officer a detail of the composition of the carriage, authorized loads, hire rates, owners' names, amount advanced, and receipts for the same, and intimation as to the station at which the carriage should be exchanged. The amount advanced will at once be repaid to the civil officer by the Supply and Transport Corps.

450. The civil officer supplying the carriage will warn the civil officer at the first exchanging station of the transport requiring exchange and the date and place at

Rule IV.

which it will be required. The latter will then proceed as in rule III and warn the next exchanging station. Similar action will be taken for each exchanging station on the route.

451. Should any change be required *en route* in the original quantity and description of transport supplied, the

Rule V.

Officer Commanding the troops will give the civil officer at the exchanging station concerned as much notice as possible.

452. Carriage breaking down between exchanging stations should be replaced on the spot in communication with

Rule VI.

the local civil officials and paid off. If the advance received has not been liquidated, the owner must refund the amount then due.

453. On arrival at an exchanging station or at destination, the carriage should at once be released and paid off.

Rule VII.

Any disputes will be referred to, and settled by, the district civil officer at the place at which the transport is released.

454. If carts are brought from a distance and detained at a camp of exercise, &c., the full rate of hire will be paid for each day of such detention. Carriage should not

Rule VIII.

however be detained at a camp which lasts for five days or over except in very special circumstances.

455. When carriage is discharged a certificate in English and vernacular should be given by the civil officer at the

Rule IX.

exchanging station, or by the civil officer accompanying the troops, to each person in charge thereof, to protect it from being taken for the use of troops while on its return journey, unless such troops are marching in the direction of the owner's home. If so employed, the full hire rate will be paid.

B.—Transport on mobilization.

456. The rules regarding the hire of transport when the mobilization of a military force has been ordered and regarding the hiring of government transport when not required for military service are contained in appendix 3.

C.—The provision of supplies for troops on the march.

457. The form of requisition for supplies for troops is contained in appendix 4. Only the articles shown in the list contained in the form can be requisitioned. The requisition should reach the district officer at least a fortnight before the date on which the supplies are required.

458. In connection with this it should be clearly understood that there is no obligation on the civil authorities to furnish such supplies to troops at any military station.

459. The special attention of all district officers is called to the orders in paragraph 224, Army Regulations, India, volume X, where it is laid down that—"Each district civil officer will detail a civil official to join every large body of troops marching together, the day before it arrives in his district, to assist the Officer Commanding in all supply matters. This officer should generally precede the party daily to ensure the supplies being in readiness at the next stage, and will obtain and furnish the Officer Commanding on arrival with copies of the local prices current. When shops are, or can be, established on or near the camping ground, the shopkeepers or contractors will retail the supplies to the troops or their agents. Where no shops can be arranged for, and in all cases where articles are required which are not ordinarily kept in stock (such as sheep, fowls, or eggs), or which are quickly perishable (such as milk), the civil authorities will themselves purchase the supplies as most convenient, convey them to the encamping ground, and there hand them over in bulk to the Officer Commanding with a bill for the total amount due at local rates and any conveyance expenses. The Officer Commanding will at once settle this bill, arrange for retail issue, and for the subsequent disposal of any surplus."

If the procedure thus prescribed is not followed, it is impossible to recover from the military authorities any loss that may occur in connection with goods indented for and purchased by the local authorities but not taken over, and for such loss the officer neglecting to follow the procedure laid down will be held personally responsible.

Should any regiment raise objections to taking over the articles specified above in bulk the attention of the Commanding Officer should be at once called to the risk the civil officer is incurring.

460. The Commissary General, Bengal, has issued orders directing that in future a receipt is to be given by the commissariat department for any article that may be supplied to that department by the civil authorities during the marching season. District officers should therefore see that a receipt is invariably demanded from the commissariat authorities for articles supplied to them, and that any refusal on their part to comply with the demand is at once brought to the notice of the Government.

461. On receiving intimation that a body of troops is about to march through his district the Magistrate will at once send intimation of the fact

to the superintendent of police, informing him of the names of places at which the troops will encamp on their route and the dates on which they may be expected to arrive at those places.

462. If any regiment on the march brings its grass-cutters with it, they should be directed to the best places in the neighbourhood for cutting grass. Private property must of course be respected, but there is usually grass on the roadsides and in other public places which can be made available.

463. If any well-supported complaint is received by the district officer against an officer of the army or a detachment of troops, he should immediately send information of it to the nearest General Officer Commanding a division towards which the party complained against is moving. He should at the same time furnish the Commissioner of the division with a copy of his representation.

464. The Quarter-Master-General in India has intimated to Officers Commanding troops on the line of march that arrangements for the supply of milk required should be made by them in districts where milk is notified by the civil authorities as not being procurable.

465. The Quarter-Master-General in India has also intimated to Officers Commanding troops on the line of march that the name of the officer responsible for taking over supplies shall be entered on the indents.

D.—Shooting parties of British soldiers.

466. The rules in paragraphs 467—472 contain the orders regarding shooting parties of British soldiers in India.

467. The duties of civil officers in the matter may be summarized as—

- (i) duties of a general and preliminary character.
- (ii) duties on the arrival or expected arrival of a shooting party.
- (iii) duties in the case of affairs arising out of shooting disputes.

(i) Duties of a general and preliminary character.

468. The civil officers' duties under this head are—

- (1) communication to Officers Commanding corps or detachments arriving in a district of a notice as to (a) the localities in which shooting is forbidden, and (b) the animals or birds regarded as sacred or protected by close season rules.

District officers should draw up lists of the localities and birds or animals concerned and after having them approved by the Commissioner, get them printed in the form of notices and arrange that a copy be at once sent to the Commanding Officer of any corps or detachment entering the district. In large military stations the Commissioner should arrange for a supply to the General Officer Commanding of copies of all notices affecting the adjoining districts. Commissioners will arrange, through the Superintendent of the Government Press, for the printing of notices of the different districts in their divisions.

- (2) periodical notification of the rules to villagers in tracts where soldiers are in the habit of shooting, and issue of instructions to landlords, headmen and village police.

Cf. G. O. no. 434/
III—457A., dated
4th March 1901.

A list of all villages in each district in or near which soldiers habitually shoot should be drawn up, and arrangements made to take the necessary action at the beginning of each cold weather. To facilitate the carrying out of the instructions, those portions of the rules with which it is necessary that the villagers should be familiar will be translated and printed in Urdu and Hindi. Copies will be supplied by the Superintendent of the Government Press, on indent, for distribution to landlords, headmen and village police. Care must also be taken to impress on them the main points of the instructions, namely, that they are to give assistance to shooting parties and are not in case of dispute to take the law into their own hands, but are to report breaches of the rules at the nearest police station.

(ii) *Duties of civil officers on the arrival or expected arrival of a shooting party.*

469. Under this head the duties of the civil officers are—

- (1) to send notice to the headmen and village police concerned immediately on receiving notice of the issue of a shooting pass, with instructions to see that quarrels are avoided. If the pass is for a locality to which shooting parties ordinarily come and to which the general instructions have therefore been recently communicated it will not be necessary to do more than give notice. If however it is for a locality which is seldom visited and in which the rules have not been periodically notified, care should be taken that their substance is explained to the villagers, and that copies are at once supplied.
- (2) to report immediately to the Commanding Officer any breach of the rules by men under his command. In the case of a detachment passing through a district, the report will be made to the Commanding Officer direct, a duplicate, if the matter is serious, being sent to the Commissioner. But in the case of shooting parties going out from a military station, the report should, unless in case of urgency, be sent through the Commissioner to the General Officer Commanding the Brigade.

Note 1.—These instructions do not affect the orders regarding the reports to be made to the military authorities in serious cases.

Note 2.—(a) The civil authorities will explain (in simple language) the substance of the rules on the subject in all villages and tracts where soldiers are in the habit of shooting, warning them that soldiers are on no account to be attacked and that any such attacks will be punished, so that the inhabitants will have no excuse for interfering unwarrantably with a shooting party.

(b) Landlords, headmen and village police will also be warned that they are expected to give their assistance in avoiding disputes between villagers and soldiers out shooting.

(c) The rules for soldiers provide for punishment of a corps or detachment or district, in the event of the offenders not being discovered. As much responsibility may be enforced upon villages where affrays with British soldiers have occurred if the villagers generally, or a considerable number of them, have made an unwarranted attack upon a shooting party, but the actual offenders have not been brought to justice. The villagers will be warned that in such cases they are liable by law to have extra police quartered upon them at their own expense.

(d) The villagers will also be warned that they are not in any circumstances to take the law into their own hands, but are to lodge any complaint they have to make in a legal manner.

(e) In cases which are not cognizable by the police, or where the prosecution is not undertaken by the civil authorities, the civil district officer will inform the Commanding Officer to that effect, for such action as the latter may consider fit to take.

(iii) *Duties of civil officers in the case of affrays arising out of shooting disputes.*

470. The orders regarding (a) the investigation and (b) the cognizance of cases arising out of shooting disputes are contained in paragraphs 844 and 845 and paragraph 816, respectively.

Note.—*Cf.* also paragraphs 429 and 477.

471. Civil officers should do all that lies in their power to co-operate with the military authorities in giving effect to the rules, and in facilitating the enjoyment by the troops of all reasonable opportunities for shooting without molestation in localities where no objection is likely to arise, while at the same time providing that the rules issued to prevent disputes between soldiers and villagers are rigorously observed.

472. The rules relating to the issue of shooting passes to warrant officers, non-commissioned officers and private soldiers are contained in appendix 5.

B.—Recall of native troops from leave on mobilization.

Cf. G. G. O. (II. D.) no. 1023, dated 17th May 1899.

473. When it is necessary to recall native soldiers from leave or furlough in case of mobilization Commanding Officers will at once send an order to all men on leave or furlough, directing them to rejoin at once, at the same time enclosing to men on leave a return railway warrant from the nearest railway station. * * *

They will also, on receipt of orders to mobilize, at once post to all civil officers, &c., concerned, I. A. F. 152, duly completed.

474. In the event of mobilization on a large scale, the Government of India will also issue orders to Local Governments who will direct civil officers in charge of districts and Political Agents under their orders, to issue a proclamation in all towns and villages in their charge, directing all men on leave and furlough to rejoin their corps without delay.

Note 1.—The proclamation above referred to will only be made when there is no political objection to the adoption of such a course, and never without the orders of the Government of India.

Note 2.—Men proceeding on leave or furlough will be warned that they are to rejoin on being thus proclaimed on, even though they may not have received orders to do so from Commanding Officers. If a man on leave, however, in this case, rejoin at his own expense, the Government will reimburse him in the usual manner and refunded to him.

475. In the event of it being subsequently necessary to call in the reserve men, a similar proclamation will be issued, notices (and warrants if necessary) being posted by the Officer Commanding the dépôt centre battalion, directing reservists to join the dépôt centre battalion at the territorial centre of their group.

F.—Miscellaneous.

Cf. G. G. O. no. 406/III—187, dated 1st Apr. 1910.

476. To obviate risks and to prevent accidents from villagers picking up live shells fired by artillery at field practice the following procedure should be strictly followed:—

At the time of such practices villagers should be instructed to inform the village chaukidar whenever any unexploded shell is found: the chaukidar should place the shell under guard and send information to the

police station. The police will at once convey all such reports to the battery concerned.

477. When an *assault, resulting in death or serious injury, has been committed by a British soldier on a native of India, whether the latter is connected with the troops or not, and including cases in which a reasonable assumption exists that the assailant is a British soldier, immediate information shall be given by the local military authority (ordinarily the soldier's Commanding Officer) to the civil authorities. The military authority concerned will at the same time commence a thorough and searching investigation in view of securing on the spot, and when the event is fresh, the best possible narrative thereof.

Cf. G. G. O. (H. D. no. 2317, dated 31st Aug. 1900.

When the civil authorities take up the case, the military authorities shall render them every assistance possible in their investigation. Regimental officers, in conducting investigations in these cases, will communicate with the Magistrate of the district as freely as the necessities of each case require.

The medical officer who first attends to an injured native will bring to the notice of the military authorities concerned, with the least possible delay, the nature and extent of the injuries received and the probable ultimate result thereof.

478. A Collector or Magistrate, on receiving a well-supported complaint against an officer of the army or detachment of troops, should immediately send information of it to the nearest General Officer Commanding a division towards which the party complained against is moving. He should at the same time furnish the Commissioner of the division with a copy of his representation.

Cf. G. O. no. 3484, dated 27th Sept. 1851.

479. When lists of native soldiers killed or wounded in action are received by this Government, extracts will be forwarded to district officers concerned who will take steps to ensure that the necessary notice is conveyed to the friends and relatives of the deceased or wounded soldiers.

Cf. G. O. nos. 1221-1222 /III—267C, dated 1st Sept. 1899.

480. The verification of the descriptive rolls of recruits for the Indian Army requires the greatest care. Subordinate police officers should have no concern with the verification, but the Magistrate should be able to satisfy himself, by confidential reference to the superintendent of police or through his subordinate magistrates, that no persons known to be connected with bad characters are passed without a note to that effect.

481. The rules regarding the employment of government transport when hired out in times of peace are contained in appendix 6.

Hiring of government transport.

* Note.—Cf. paragraphs 420 and 470.

Chapter XVIII.—Printing presses.

A.—Presses.

*Cf. G. O. no. 1,
dated 17th Jan. 1873.*

482. Commissioners should submit on the 1st June in each year a return in the prescribed form of the printing presses in their divisions as they stood on the 1st of the preceding April, and of the newspapers and periodicals published by them.

*Cf. G. O. no.
25, dated 8th Apr.
1878.*

483. It is part of the duty of all Magistrates to keep themselves fully cognizant of the tone of the vernacular papers, &c., published in their districts.

*Cf. G. O. no.
65, dated 4th June
1879, and no. 707/
III—189, dated 6th
May 1908.*

484. District officers should see that all the provisions of the Press and Registration of Books Act, 1867, are scrupulously attended to by the printers and publishers of vernacular papers. Attention should be paid, in particular, to the provision of section 3, which provides that every book or paper printed in British India shall have printed legibly on it the name of the printer. Books and other publications are often issued which bear, not the name of the printer but some such entry as "printed at the Naraini Press", or "the Cawnpore Publishing Company", or "A. N. Sirkar & Co.'s Press". Such entries do not constitute a compliance with section 3, which requires that the name of the actual printer shall be inscribed on every publication. [This has been judicially decided in the case of *King-Emperor v. Hari Shetty*, Indian Law Reports, XVI, Madras, page 443, in which it was held that it was essential that the name of the printer should be printed on the paper, and that therefore a newspaper which bore the words "printed and published at Cochin for the Malabar Economic Company at the said Company's Goshree Vilasam Press" did not bear the inscription required by section 3.]

485. District Magistrates are the officers to whom, under existing orders (vide paragraph 459) copies of books in accordance with section 9 of the Act have to be delivered, and these copies are transmitted to the Superintendent of the Government Press. Before copies are sent on to that officer, each copy should be examined by a qualified assistant to ensure that it bears the name of the actual printer.

486. Under section 12 of the Act any person printing a book or paper otherwise than in conformity with section 3 is liable to prosecution and on conviction to fine or imprisonment or both. * * * Should a prosecution be brought it would not be desirable for the prosecuting agency to plead to a plea of first offence, but a light punishment for a first offence, unless the case were one concerning special features. If the offence were repeated, the action taken to prosecute should be prompt and effective.

487. Where the owner of a press, who is also the printer of the work printed there, has quitted the place where the press is situated, the name of the actual printer working in his place should be printed in addition to or in lieu of the name of the owner. In the case of newspapers or other periodicals containing public news or comments thereon, it is specially provided by the Act that a fresh declaration under section 5 shall be made, as often as the printer quits British India, by a printer resident within British India.

488. Proprietors of vernacular presses are at liberty to make whatever use they may deem proper of government translations, as published in the Urdu gazette of the United Provinces, of Acts of the Legislative Council.

Cf. G. O. no. 35, dated 1st March 1878.

B.—Registration of books.

Rules and orders under Act XXV of 1867.

489. The following orders have been passed and rules made under the Press and Registration of Books Act, 1867.

Cf. G.O. no. 1454/XII—344, dated 16th Sept. 1893.

I. *Section 9.*—The Magistrate of the district shall be the officer to whom copies of all books printed or lithographed in the district shall be delivered by the printer.

II. *Section 11.*—The copy of every book delivered in pursuance of clause (a) of section 9 to the Magistrate of the district shall be transmitted by him to the Superintendent of the Government Press, and shall be deposited by the Superintendent in the Government book dépôt. The Government, however, may direct in any particular case that the book be kept in some public library in the province on a guarantee that it be not removed from there or lent out.

III. *Section 17.*—All fines or forfeitures under part IV of the Act shall be credited to the Government.

IV. *Section 18.*—The Superintendent of the Government Press, is appointed to maintain, at his office, the book called "A catalogue of books printed in British India."

V. (1) Every printer of a book when delivering the first copy thereof to the Magistrate of the district, as required by clause (a) of section 9 of the Act, shall also fill up and present (for transmission to the Superintendent of the Government Press), a memorandum in the form prescribed by section 18, giving the particulars of the book. The memorandum shall be signed by both the printer and publisher of the book.

Cf. G. O. no. 2004/XII—344, dated 30th Dec. 1893, and no. 139/III—9, dated 30th Jan. 1911.

(2) Upon the receipt by the Superintendent of the Government Press, of the copy of every book (together with the memorandum) from the Magistrate of a district on delivery under clause (a) of section 9 of the Act, he shall record the book in the catalogue of books printed in British India before depositing it according to the orders issued under section 11 of the Act.

(3) Every printer or publisher desiring to register the copyright of any book in conformity with the last clause of section 18 of the Act shall deliver the fee of two rupees to the Magistrate to whom the book was delivered under section 9, to be received by him on behalf of the Superintendent of the Government Press.

(4) Every Magistrate receiving such fee shall forward it to the Superintendent of the Government Press, who shall thereupon enter the registration of copyright in the catalogue of books printed in British India, and shall send to the Magistrate for delivery to the applicant a certificate of copyright.

VI. The following are the exemptions under section 21 :—

(1) Acts of the Legislative Councils, without notes or commentaries.

Cf. G. G. O. (H. D.) no. 5604, dated 1st Dec. 1871.

- (2) Price-lists and tradesmen's circulars.
- (3) Catalogues of books and other articles, auctioneers' notices and advertisements.
- (4) Play-bills, comprising advertisements of theatrical and musical entertainments.
- (5) Decisions of courts of law, without notes or commentaries.
- (6) Petitions and appeals addressed to constituted authorities under the provisions of law.
- (7) Testimonials of private individuals or public officers.
- (8) Annual reports of schools, banks, societies and firms.
- (9) Almanacs and calendars.
- (10) Labels affixed to articles of commerce.

490. Monographs and works of scientific or public interest which are published by or under the patronage of the Government, but which do not come under the head of reports and are not of an exclusively official character, shall in all cases be registered under the Press and Registration of Books Act, 1867.

*Cf. G. O. no. 1655/
S.R.—2462. Dated
27th Nov. 1889.*

When such works are printed under the direction or authority of any department, the head of the department should at once forward three copies to the Superintendent of the Government Press, who will take the necessary steps for registration under the Act.

*Cf. G. O. no. 1057
All India Govt. G.O.
6th Sept. 1891*

491. All declarations made under section 5 of the Press and Registration of Books Act, 1867 are exempt from stamp duty.

Chapter XIX.—Memorials.

A.—Memorials to the Local Government.

492. A petition must be properly authenticated by the signature of the petitioner: it should in the case of a private person be presented through the Collector of the district in which he resides or in which the matter forming the subject of the petition has arisen, and, in the case of an official, whether in employment or dismissed or removed, through his immediate superior officer and the regular channel of correspondence of the department to which he belongs.

Cf. G. O. no. 2114/III—487, dated 21st Dec. 1908, no. 499/III—91, dated 5th Apr. 1910, no. 1131/III—22, dated 16th July 1910, and no. 1381/III—91 dated 6th Sept. 1910.

Rule 1.

493. The officer to whom the petition is presented shall, unless he is empowered to withhold it by rule 9, forward the petition with an expression of his opinion through the usual official channel. If he withholds it he shall inform the petitioner of the fact and the reason for so doing.

Rule 2.

494. If a petition is an appeal from, or is connected with, an order passed by a subordinate authority, copies of the orders passed in the case must be attached to it; similarly if the petition is one for mercy or pardon or is connected with a judicial decision, copies of decisions of the courts should, except in the case of capital sentences, be attached.

Rule 3.

495. Every official wishing to petition the Local Government shall do so separately.

Rule 4.

496. Petitions will not be accepted from one person on behalf of another unless supported by a duly executed and stamped power-of-attorney. The only exception to this rule is

Rule 5.

the case of persons in jail or other duress, whose petitions may be presented by the officer in charge of the jail or other place of duress or by any near relative.

A power-of-attorney will not be required from a barrister-at-law enrolled and practising as an advocate, nor in the case of lunatics or others where the circumstances render execution of a power-of-attorney impossible. When a lunatic or minor is under authorized guardianship a petition to the Government on his behalf should be presented by his authorized guardian.

497. A petition presented to the Lieutenant-Governor of the United Provinces of Agra and Oudh does not require to be stamped.

Rule 6.

498. A copy of a document referred to in articles 6, 7 or 9 of schedule I, Act VII of 1870, or in article 24 of schedule I, Act II of 1899, and accompanying a petition to the

Rule 7.

Government, must bear the stamp of the value indicated in the above articles.

499. Section 6 of Act VII of 1870 absolutely prohibits the receipt of documents not duly stamped. Every such document will be returned to the sender. A petition

Rule 8.

enclosing a copy not duly stamped will ordinarily, if the consideration of the unstamped document is essential, be returned to the sender with a direction that orders cannot be passed unless it is presented with the copy duly stamped.

500. Petitions may be withheld by the Commissioner or head of a department to whom they are presented or forwarded under rule 2 on any of the following grounds:—

- (1) When a petition is illegible or unintelligible.
- (2) When a petition contains disrespectful or improper language.
- (3) When a previous petition on the same subject has been disposed of by the Local Government and the petition discloses no new facts or circumstances which afford grounds for a reconsideration of the case.
- (4) When a petition is an application for pecuniary assistance by a person manifestly possessing no claim.
- (5) When a petition is an application for employment in a post to which appointments are made by departmental or district officers, or is a request for exemption from the provisions of any law or rule prescribing the qualifications to be possessed by persons in the service of the Government or by persons engaging in any profession or employment.
- (6) When a petition is an appeal from a judicial decision with which the executive Government has no legal power of interference; but in the case of petitions of this nature where the case is one in which the Government is a party to a civil suit or where the petition is practically a prayer for mercy or pardon the petition should not be withheld.
- (7) When a petition is addressed by an officer still in the public service and has reference to his prospective claim to pension, except as provided in article 915 of the Civil Service Regulations.
- (8) When a petition is an appeal against an appellate order confirming an order of dismissal or other punishment.
- (9) When a petition is an appeal against an order of the Commissioner or head of a department in which the principal prayer is an appeal against an order of dismissal or other punishment, and even though it contains an alternative prayer for some other relief, under the provisions of rule XII (13), Appendix 3.
- (10) When a petition is an appeal against the non-exercise by a Commissioner or head of a department of a discretion vested in him by law or by rule.
- (11) When a petition is an appeal against a decision by an officer or any local authority or other authority, which by any law or rule having the force of law is ordered to be final.
- (12) When a petition is an appeal against the action of a private individual or of a body or private individuals regarding the private relations of the petitioner and such body, individual or body.
- (13) When a petition is an appeal or application in a case for which the law provides a definite specific remedy or in regard to which the time limited by law for appeal or application has been exceeded.
- (14) When a petition is an appeal against an order of the Commissioner or head of a department and is made more than six months after the communication of the order or decision to the petitioner without satisfactory explanation of the delay.
- (15) When a petition relates to a subject on which the Commissioner or head of a department is competent to pass orders and previous application for redress has been made to him.
- (16) When a petition does not comply with provisions of rules 1, 3, 4 or 5.

501. Rule 7 applies to copies accompanying petitions to the Government of India, presented to this Government for transmission to the Government of India.

Rule 10.

502. Petitions presented direct to the Local Government will as a rule be returned to the petitioner for presentation according to the method laid down in rule 1.

Rule 11.

(B).—**Memorials to the Government of India.*

503. Every petition to the Government of India should be forwarded through the Local Government having jurisdiction in respect of the subject-matter of the petition. In cases where no Local Government is in a position to deal with the subject-matter of the petition, it should be forwarded through the Local Government within whose jurisdiction the petitioner is, or has last been residing or employed.

Rule 1.
As to the submission of petitions to the Government of India by private persons or public bodies.

C.F.G. G. O. (H. D.) no. 147, dated 19th Jan. 1905, and no. 2580, dated 21st June 1905.

504. A petition may be either in manuscript or in print, but must, with all accompanying documents, be properly authenticated by the signature of the petitioner, or, when the petitioners are numerous, by the signatures of one or more of them, and it must conclude with a specific prayer.

Rule 2.

505. Every petition should be accompanied by a letter addressed to the Local Government requesting its transmission to the Government of India, and, when any order of a Local Government is appealed against, by a copy of such order, as well as of any orders passed in the case by subordinate authorities.

Rule 3.

506. Communications on matters connected with any bills before the Council may be addressed either in the form of a petition to the Governor General in Council or in a letter to the Secretary in the Legislative department, and must in either case be sent to the Secretary in the Legislative department. Ordinarily such communications will not be answered. Such communications from courts, officials or public bodies should be sent through the Local Government.

Rule 4.

507. Every officer wishing to petition the Government of India should do so separately.

Rule 5.
As to the submission of petitions by officers in civil employ.

508. Every petition should be submitted through the head of the office or department to which the petitioner belongs, and should be forwarded by him through the usual official channel.

Rule 6.

509. No officer may submit a petition in respect of any matter connected with his official position unless he has some personal interest in the matter.

Rule 7.

* *Note 1.*—These rules apply, so far as may be, to all memorials, letters and applications, &c., addressed to the Governor General in Council.

Note 2.—These rules apply also to petitions by persons no longer in military employ who have served in the Army or the Royal Indian Marine, or have been attached to regiments or batteries or the staff or departments of the Army in any capacity.

510. No notice will be taken of a petition relating to any matter connected with the official prospects or position of an officer still in the public service unless it is

Rule 8.
submitted by the officer himself.

511. Every petition to the Government of India should be forwarded by the Local Government concerned with a concise statement of the material facts and (unless there are special reasons for not doing so) an expression of opinion.

Rule 9.
As to the transmission or withholding of petitions by Local Governments.

If the petition is an appeal against an order of dismissal from government service, the papers submitted by the Local Government should show whether the charge against the petitioner was reduced to writing; whether his defence was taken and reduced to writing; and whether the decision was in writing. Where service or character books are maintained these also should be submitted.

512. When the petition is not in English the Local Government should transmit a translation with it.

Rule 10.

513. Local Governments are vested with discretionary power to withhold petitions addressed to the Government of India in the following cases :—

Rule 11.

(1) When a petition is illegible or unintelligible.

(2) When a petition contains language which in the opinion of the Local Government, is disloyal, disrespectful, or improper.

(3) When a previous petition has been disposed of by the Secretary of State for India, or the Governor General in Council, and the petition discloses no new facts or circumstances which afford grounds for a reconsideration of the case.

(4) When a petition is an application for pecuniary assistance by a person manifestly possessing no claim.

(5) When a petition is an application for employment from a person not in the service of the Government: or is a request for exemption from the provisions of any law or rule prescribing the qualifications to be possessed by persons in the service of the Government or by persons engaging in any profession or employment.

(6) When a petition is an appeal from a judicial decision with which the executive has no legal power of interference.

Note 1.—In the following cases, namely—

(a) when a petition is an appeal from a judicial decision in a case in which the Government has reserved any discretion of interference, or

(b) when a petition is an appeal from a judicial decision in a suit to which the Government was a party, or

(c) when a petition is practically a prayer for mercy or pardon, or contains such a prayer.

the petition must be transmitted to the Government of India, unless it falls under clause (13) of this rule

Note 2—When a petition of the kind referred to in clause (c) of note (1) is addressed to the Government of India after a previous petition has been rejected by the Local Government, the petition must be transmitted, unless the case is one of which the Local Government is competent to dispose on its own responsibility under the orders contained in Home department resolution no. 20—1403, dated the 14th October 1885.

(7) When a petition is an appeal against an order of the Local Government upholding on appeal the dismissal, removal, reduction or other punishment of a government servant or an employé of a local authority whose salary was not more than Rs. 100 a month.

(8) When a petition is an appeal against a decision which by any law or rule having the force of law is declared to be final.

Note.—A memorial in which the principal prayer is an appeal against an order of dismissal may be withheld under this rule, even though it contains an alternative prayer for a compassionate pension, vide the note to rule XII (12), appendix 8

(9) When a petition is addressed by an officer still in the public service and has reference to his prospective claim for pension, except as provided in article 915 of the Civil Service Regulations.

(10) When a petition is an appeal against the non-exercise by the Local Government of a discretion vested in it by law or rule.

(11) When a petition is an appeal in a case for which the law provides a different or specific remedy, or in regard to which the time limited by law for appeal has been exceeded.

(12) When a petition is an appeal against an order or decision of the Local Government, and is made more than six months after the communication of such order or decision to the petitioner without satisfactory explanation of the delay.

(13) When a petition relates to a subject on which the Local Government is competent to pass orders and no previous application for redress has been made to the Local Government.

(14) When a petition makes a proposal regarding legislation which the Local Government is not prepared to support.

514. If a petition is withheld, the petitioner should be informed of the fact and the reason for it

Rule 12.

515. A list of petitions withheld under rule 11, with the reasons for withholding them, should be forwarded quarterly to the Government of India, in the proper department.

Rule 13

C.—Memorials to the House of Commons, the Secretary of State for India and His Majesty the King-Emperor.

516. The rules relating to memorials to (1) the House of Commons, and (2) the Secretary of State for India, and His Majesty the King-Emperor are contained in appendices 7 and 8, respectively.

Chapter XX.—Charitable Endowments.

* *Rules under section 13 of the Charitable Endowments Act, 1890.*

*Cf. G. G. O. (H. D.)
no. 1569, dated 24th
Oct. 1890.*

517. It being the wish of the Governor General in Council that the

Rule 1.
Cases in which there should ordinarily be previous publication of vesting orders and of schemes.

Government should not interfere under the Charitable Endowments Act, 1890 (hereinafter referred to as the Act), in cases of doubt or dispute, and that the jurisdiction of the Courts in such cases should in practice be left unaffected by the Act, the cases with which the Government will have to deal may be divided into two classes, namely, (1) cases of trusts, whether already established or proposed to be established, out of which it may be confidently predicated that contention cannot arise, and (2) cases out of which contention may possibly arise, however remote or unlikely the contingency. To the first class will belong such cases as those of Lawrence asylums, railway schools and endowments in government securities in general aid of the funds of specified dispensaries or schools. To the second class will belong most cases in which private persons apply for a vesting order or a scheme or modification of a scheme, and all cases in which it is proposed to depart in any respect from the ascertained wishes or presumable intention of the founder of an endowment. In cases belonging to the first class previous publication of proposed vesting orders and of proposed schemes and modifications of schemes will ordinarily be unnecessary: in cases belonging to the second class there should ordinarily be previous publication of such documents.

518. (1) When the Government, having regard to the last foregoing

Rule 2.
Mode of previous publication of vesting orders and of schemes.

rule, is of opinion that a proposed vesting order or a proposed scheme or modification of a scheme, should not be made or settled without previous publication, it shall publish a draft of the proposed order, scheme or modification, or a proper abstract thereof, signed by one of its Secretaries for the information of persons likely to be affected thereby.

(2) The publication should be made in the official gazette and in such other manner as the Government may prescribe.

(3) There shall be published, with the draft or abstract, a notice specifying a date at or after which the proposed order, scheme or modification will be taken into further consideration.

(4) The Government shall consider any objection or suggestion which it may receive from any person before such date with respect to the proposed order, scheme or modification.

519. The cost of the previous publication under the last foregoing

Rule 3.
Incidence of cost of vesting orders and of schemes.

rule of any proposed order, scheme or modification of a scheme, and any other costs incurred or to be incurred in the making or settlement of the order or of the scheme, or modification, shall be paid by the applicants for the order, scheme or modification, and, if the Government so direct, may be paid by them out of any money in their possession pertaining to the trust to which their application relates.

* *Note.*—In these rules "the Government" means the Local Government or, when the Governor General in Council exercises under section 7 of the Act, the powers conferred by sections 4 and 5 on the Local Government, the Government of India.

520. In the case of property vested in a treasurer of charitable

Rule 4. endowments other than securities for money, the persons acting in the administration of the trust, and having under section 8, sub-section (3), of the Act the possession, management and control of the property and the application of the income thereof, shall, in books to be kept by them, regularly enter or cause to be entered full and true accounts of all money received and paid respectively on account of the trust, and shall, on the demand of the Government, submit annually to such public servant as the Government may from time to time appoint in this behalf, in such form and at such time as the Government may from time to time prescribe, an abstract of those accounts and such returns as to other matters relating to the administration of the trust as the Government may from time to time see fit to require.

521. In the case of property other than securities for money vested

Rule 5. under the Act in a treasurer of charitable endowments the fees to be paid to the Government are the actual charges incurred by the treasurer in the discharge of his functions in respect of the property. The treasurer may deduct any fees payable to the Government on account of any endowment from any money in his hands on account of such endowment. If he holds no such moneys the amounts should be claimed from the administrators.

*Cf. G. G. O. no. 967,
dated 23rd May 1901.*

522. All copies of vesting orders received by the treasurer will be

Rule 6. filed together and will be numbered in consecutive order of their receipt; when a sufficient number have been received, they will be bound in volumes. A note will be made on each vesting order of any entries in the registers prescribed below relating to the property vesting in the treasurer under the order.

523. On the receipt of any securities for money, or on their purchase

Rule 7. by himself, the treasurer will record their receipt in a register in form no. 1. He will also keep a separate account for each endowment in form no. 2, in which he will record all receipts including any amounts sent for investment, and all disbursements. In the cash account the treasurer will record only his own transactions (such as the payment of the money to the administrators), not the transactions of the administrators of the endowment fund.

524. The treasurer will keep a record, in the appropriate columns of

Rule 8. form no. 1, of all securities returned by him. The return will also be entered in form no. 2, where the amount returned will be deducted from the capital of the endowment concerned.

525. If the securities elsewhere than in Madras and Bombay consist

Rule 9. of government promissory notes, they will be forwarded to the Comptroller-General for custody under the general rules laid down in the Civil Account Code; but the securities held under the Act must be forwarded separately, and the treasurer will keep a separate register under those rules for these securities, and will also keep a separate file of the acknowledgements. The treasurer will retain in his own custody all securities for money other than government promissory notes.

526. The treasurer on receipt of any interest on securities will pass it through his general trust interest account under a special sub-head "Interest on charitable endowments under Act VI of 1890." The interest will then be distributed to the various ledger accounts (form no. 2), in which the gross amounts must be shown, any deductions for fees, &c., being shown as a charge, and the payment of the balance to the administrators being also shown as a disbursement. The entries in the ledger of interest received must be taken out and agreed annually with the total amount of interest drawn.

Rule 10.

527. The register in form no. 1 will show all securities vested in the treasurer as such, whether actually held by him or by the Comptroller-General as his agent. In order to prove the balance actually held by the treasurer in his own hands, a balance sheet in form no. 3 will be made out annually and agreed with the actual securities in the treasurer's possession; such agreement will be certified on the balance sheet.

Rule 11.

528. The accounts of the interest and the annual agreement of balance will be made at the time which the Local Government may direct under section 9 of the Act for the publication of the list of properties held, and of the abstract of accounts.

Rule 12.

529. The treasurer will enter in a register in form no. 4 any property other than securities which becomes vested in him, and will record in the same register against the original entry a note of any property of which he is divested.

Rule 13.

Property other than securities.

530. The list of properties vested in the treasurer to be published annually shall be in form no. 5. Part I will relate to properties other than securities; part II will relate to securities and will also contain the abstract of accounts required by the Act to be published. The treasurer will demand and receive acknowledgements from the administrators of the correctness of the balances when published.

Rule 14.

Publication of lists and abstracts of accounts.

531.

Rule 15.
Audit of accounts.

The treasurer's accounts will be audited, (a) where there is an outside audit section of the Accountant-General's office, by such section annually; (b) where there is no such section, by a Deputy Auditor-General at such periods as the Auditor-General may direct.

532.

Under section 3 of the Act, the Governor General in Council is pleased to appoint the Accountant-General, United Provinces, to be Treasurer of Charitable Endowments for the United Provinces of Agra and Oudh.

Rule 16.

Treasurer of Charitable Endowments.

Chapter XXI—Miscellaneous.

A.—Relations of heads of departments and departmental officers with Commissioners and Magistrates.

533. Heads of departments should impress on officers subordinate to them the necessity of calling officially on the Commissioner of the division in which they are serving, as it is necessary that he should be acquainted with them. The fact must not be lost sight of that the Government of the country is one and not a disunited set of departments and that the Commissioner represents the Government in his division in all matters relating to the civil government of the division.

Cf. D.-O. dated 12th Oct. 1893, to certain heads of departments.

534. Heads of departments when visiting districts should as a general rule take the opportunity of conferring with the Magistrate (and, when the district is a divisional head quarters, with the Commissioner as well) on the various subjects connected with their departmental inspections in order to learn the views of the district and divisional officers and to bring to their attention any matters which are of importance. The Deputy Inspectors-General of Police when visiting districts should invariably meet the Magistrate.

Cf. G. O. no. 740 III—498C, dated 16th May 1900.

B.—Memorandum of district officer when transferred.

535. Every officer who leaves a district of which he has been in charge for more than a year, on transfer, furlough or retirement, should record for the use of his successor a careful and exhaustive memorandum containing all points of which it is important that his successor should be informed. The remarks will be recorded in a confidential book to be kept for the purpose; additions being made by each successive officer who shall have held charge of the district for the prescribed term. An officer whose tenure of charge has not exceeded one year, should record a similar memorandum, if he is in possession of information which will, in his opinion, prove of value to his successor.

Cf. G. O. no. 52, dated 29th May 1879.

536. The subjects to which attention should be especially directed in these memoranda are the working of the police; the manner in which the incidence of the land revenue assessment affects the district; the portions which require particular care on the occurrence of drought or high prices; any special offence to which any portion of the ordinary population or criminal tribes of the district are addicted; and the working of municipal and district boards. In addition to this should be recorded the names and character of the more important Indian gentlemen or headmen of the district; their activity or supineness in the suppression of crime, and any special services which they may be fitted to render to the Government in case these should be required of them.

537. If a district officer is likely to return to the district from which he proceeds on privilege leave, he need not leave an exhaustive memorandum for his *locum tenens*, but should note the chief administrative points likely to require attention during his absence. If it is intended to transfer an officer who is availing himself of privilege leave, notice of the intention of the Government to transfer him will be communicated to the officer in due course, and a full memorandum should be recorded by him before he makes over charge of his office.

Cf. G. O. no. 1178/III—575C, dated 31st July 1900.

C.—Residences of officials.

Cf. G. O. no. 656/
III—58, dated 22nd
March 1901.
Cf. G. O. no. 594/
394C., dated 17th
Apr. 1903.

538. Every officer on being posted to a station is expected to provide himself with house accommodation suitable to the post he occupies, if such accommodation is available. He ought to take the house, if any, usually occupied by the person holding that post, and not to allow it to pass into other hands.

539. When a house has been built or assigned by the Government as a residence for an officer holding a certain official position, the officers who in succession hold that position must occupy the house, unless for any special reason the sanction of the Government is obtained to any such officer's living elsewhere and to the occupation of the house by another official instead. Ordinarily a relaxation of the rule will not be permitted. Commissioners should report to the Government failure on the part of any officer to observe this rule.

Cf. G. O. no. 958/
III—296-1907, dated
18th June 1907

540. As the permanent or temporary incumbent of an appointment for whose benefit a house has been constructed, purchased, or leased by the Government is held responsible for the prescribed rent during his tenure of the appointment, it has been decided that when an officer proceeds on privilege leave and retains a lien on his appointment he will be held responsible for payment of rent during his tenure of the appointment. He may enter into any private arrangements with his *locum tenens* for occupation of the whole or part of the building, but the responsibility for payment of the prescribed rent rests with the officer who holds the appointment permanently.

541. In the case of long leave, when an officer vacates his appointment he is not responsible for payment of rent.

Cf. G. O. no. 4450/
II—646, dated 14th
Sept. 1909.

542. Officers occupying government bungalows as residences should, prior to vacating them on transfer or leave, invariably give due notice either to the executive engineer of the division or to the district engineer of the district, specifying the date on which the bungalow will be vacated and the name of the officers who will succeed them.

543. Treasury officers, who prepare the last pay certificates, should correct public works department form no 44-B in case the recoveries of rent are not correctly filled in owing to the executive engineers not having received timely notice of the vacation of the bungalows.

Note.—See also paragraph 1892.

D.—Volunteers.

Cf. G. O. no. 2656A.,
dated 11th Nov. 1878.

544. Volunteers should be encouraged as much as possible: and heads of departments should afford them every facility for serving as volunteers, so long as the concessions asked are not absolutely inconsistent with the performance of their ordinary and legitimate duties.

Volunteer movement
to be encouraged

**Note*—The difficulties connected with house accommodation are due principally (1) to unwillingness of non-official landlords to replace, or to put in proper repair houses which are no longer suitable for occupation, and (2) to houses that were at one time occupied by government officers coming into the occupation of other persons.

The operation of these causes would be restricted if houses were regularly taken by officers posted to the different stations. It cannot be expected that landlords will keep in repair houses that are frequently unoccupied, and for which during a great part of the year they receive no rent, or that they will allow them to remain empty when tenants other than the ordinary official residents are willing to take them. The provision of official residences by the Government must necessarily be gradual, and should, not only in the interest of economy, but also of the public convenience, be confined within as narrow limits as possible.

545. The following privileges have been granted to volunteer Special privileges corps in India.
granted to volunteers.

(a) The supply, when practicable, of tents and supply and transport elephants and carts to bring volunteers daily to their offices on occasions when camps of exercise may be applied for and specially allowed. On these occasions also the grant of free rations and the entertainment at the expense of the State of a complement of cooks will be sanctioned.

Cf. G. O. no. 624A dated 2nd Apr. 1880.

(b) The right of all efficient volunteers to travel (on State railways only) in the class of carriage next above that to which their tickets would ordinarily entitle them, on production of passes signed by their Commanding Officer: provided that only commissioned officers can, under this arrangement, travel 1st class with 2nd class tickets—all other ranks travelling 2nd class with 3rd class tickets.

546. A medal will be awarded to the best shot amongst the volunteers of each Presidency, the competition being conducted strictly under rules laid down by the Assistant Adjutant-General for musketry.

547. Volunteer corps authorized to possess Maxim guns are permitted to purchase such guns through the agency of the ordnance department, instead of direct from manufacturing firms, provided that (a) the previous sanction of the Government of India to the purchase is obtained in every case, (b) the requirements of the regular army and internal defence in no way suffer, and (c) adequate arrangements are made by the corps to safeguard the guns and their ammunition.

Cf. G. G. O. (A. D.) no. 1486B., dated 14th July 1909.

E.—Medals.

548. Applications for the replacement of war medals lost by members of the police force, the jail or other civil departments with the proceedings of the board of enquiry referred to in the note to paragraph 549 should be submitted by the heads of the departments concerned to the Officer Commanding the regiment to which the claimant belonged when the decoration was earned, who (after ascertaining, by a reference to the medal rolls, that the claims are valid) will transmit them to the General Officer Commanding the Brigade for disposal in communication with the Controller of Military Accounts concerned.

Cf. G. G. O. (M. D.) no. 2390B., dated 26th Sept. 1889, and G. O. no. 2120/III—553A., dated 14th Oct. 1889.

549. In cases of men who earned decorations in regiments, which have been disbanded, or in departments, applications should be forwarded direct to the Army department for verification and disposal.

Note.—The board of inquiry will consist, in the case of a member of the police force, a superintendent of police as president and two subordinate police officers as members, and in the case of others, of a senior officer of the department as president, and two subordinate officers as members.

550. Applications for the replacement of war medals lost by pensioners, ex-soldiers (not pensioners), and others who are not serving in departments, will in future be investigated by civil officers. If the investigating officer is satisfied as to the circumstances attending the loss,

Cf. G. G. O. (M. D.) no. 2712/B., dated 11th Nov. 1889, and G. O. no. 2321/III—553A., dated 27th Nov. 1889.

he will refer to the Officer Commanding the regiment to which the claimant belonged, or, in cases of men who earned the decoration in regiments which have been disbanded, to the Army department.

Cf. G. G. O. (H. D.)
no. 26—1143 and
524-30, dated 6th
Ju'y 1885, and 5th
March 1883, and
G. O. no. 1194/II
—190B, dated 22nd
Nov 1890.

551. Any representation which any officer of the Government may wish to make in his official capacity to the English Royal Humane Society's Royal Humane Society, with reference to the grant of the Society's medals and certificates, should be forwarded, through the Local Government and the Government of India, to His Majesty's Secretary of State for transmission to the Society. The practice of forwarding such applications direct to the Society should be discontinued.

Not.—Eighteen months is the maximum time allowed for reparding cases from any part of the world.

F.—General.

Cf. G. G. O. (H. D.)
no. 41, dated 23rd
March 1897.

552. Offers of presents for His Majesty the King-Emperor from Indians, who are not princes or chiefs should be submitted to the Government of India. As a general rule they should be discouraged as contrary to established usage (*Cf.* paragraph 651).

**Presents from Indians
for the King-Emperor.**

Cf. G. G. O. (H. D.)
no. 16, 1158-83, dated
27th Sept. 1895.

553. District officers should warn sportsmen, whether Europeans or others, (1) against trespassing on standing crops without the consent of the owners; (2) against shooting peafowl, or other birds or animals which are looked upon as sacred, in the vicinity of villages or habitations; (3) against shooting domestic animals, such as dogs or pigs; and (4) generally against shooting in the immediate vicinity of villages, temples and mosques.

Printed copies of these orders should be hung up in every government office.

554. In the case of the death of a Lieutenant-Governor, the signs of respect to be observed should be the issue of a notification announcing the fact, hoisting of flags half-mast high, the firing of minute guns, the attendance of civil and military officers at the funeral, and the fixing of official mourning for such officers within the province at 14 days. In such cases a notification will be issued by the Government of India upon these points, containing any directions that may be necessary for the funeral. The Government of India will determine whether any special acknowledgement of services should be made in the notification announcing the death. In anticipation of the notification of the Government of India a notification may be issued locally announcing the death, directing the hoisting of flags half-mast high on the day fixed for the funeral throughout the province, and stating the time and place of the funeral.

555. The Army Regulations, India, provide for the military authorities taking part in the funeral ceremonies of certain civil functionaries in a military cantonment or camp. In order that this regulation may be properly complied with prompt intimation of the time and place of the funeral should be given to the local military authorities.

556. Fifteen minute guns will be fired at Fort William, at the headquarters of the Local Government and of all other Local Governments and Administrations, at the time fixed for the funeral. Flags should be

Cf. G. G. O. (H. D.)
no. 2008, dated 4th
Aug 1900.

**Death of a Lieutenant-
Governor in India.**

half-masted at the places where minute guns are to be fired till sunset of the day of the funeral.

557. The rules under which certificates of age and nationality will be issued to natives of India who are candidates for the examinations for the Indian Civil Service held in England are contained in appendix 9.

Indian Civil Service examination.

558. Whenever occasion arises for the issue of advertisements for which more extensive publicity is desirable than can be secured by publishing them in the government gazette, heads of departments are at liberty to advertise in the local newspapers at the public expense, charging the cost in their contingent bills.

Advertisements.

Cf. G. O. no. 34A,
dated 19th March
1878.

559. Immediately on the occurrence of a fire in any public building whether imperial, provincial or local, the department concerned should at once inform the Magistrate of the district who should report to the executive engineer of the division.

Fire in a public building.

Cf. G. O. nos 2577
and 555/III—367,
dated 27th July 1882
and 22nd Aug. 1884.

560. In a certain case the civil authorities proposed to cut a railway embankment with the object of letting off flood waters the overflow of which threatened to cause much damage and loss. District officers should not order the destruction of any railway embankment or bridge or other large work, whether it be the property of the State or of a private company, without first taking the advice of some responsible professional officer. As a rule the engineering authorities charged with the control of the work concerned should be consulted.

Cutting railway embankments in times of flood.

561. The Government will not interfere either directly or indirectly with the election of chaudhris of cartmen or other traders, nor should the name of an elected chaudhari be registered in the office of the Magistrate and Collector. There is no law under which the Government can take action in such matters, and any election made would not necessarily be binding on the parties concerned simply because a government official superintended it. If an established custom exists in any trade or occupation in virtue of which certain families or individuals have a right to be regarded as the chaudhris of that class, such custom can only be enforced by recourse to the civil courts. At the same time, while the Government cannot and will not interfere with the election of chaudhris, there is no obligation on the Government or on its officials to apply to those chaudhris for their service. It is probably found most convenient, when carts are required for the public service, for the tahsildar to apply to the recognised chaudhris of cartmen for assistance in obtaining them; but if those chaudhris do not assist him, there is nothing to prevent his employing any one else to obtain carts for him. He would of course have no power to enforce the payment of fees such as the chaudhris collect to those persons who would have to make their own arrangements with the cartmen for their remuneration. It is probably the case that when a tahsildar collects a man and employs him for the purpose, the cartman, as a matter of custom, will pay that man some fees; but if, by collecting those fees he encroaches on the rights of the recognised chaudhari, they have their remedy in the civil courts, and it is not a matter in which the Government can or will interfere.

Appointment, &c., of chaudhris.

Cf. G. O. no. 1244,
III—106, dated 24th
Sept. 1896.

Cf. G. O. no. 980-81/XII—9000, dated 4th July 1894.

562. (1) The detailed register of sarais prescribed in section 4 of Act XXII of 1867 must be regularly maintained in all districts.
Management of sarais

Note.—The term "sarai" includes "dharmshala" (G. O. no. 8343/VIII—360, dated the 3rd November 1910.)

(2) A certificate of character in the following form, signed by the tahsildar and the officer in charge of the police station within the limits of whose jurisdiction the sarai is situated, must be produced by any person desiring registration as a sarai-keeper:—

Certificate of character.

SECTION 6, ACT XXII OF 1867.

I hereby certify that the character of _____, son of _____, caste _____, resident of _____, is to the best of my belief not such as to preclude his being permitted to keep a sarai.

(3) Under section 16 of the Act, the above provisions do not apply to any sarai under the direct management of the Local Government or of any municipal committee.

Cf. G. O. no. 1751/III—508A, dated 6th Nov. 1888.

563. No alteration should be allowed by the local authorities, without reference to the Government, in the route or procedure prescribed by competent authority, or sanctioned by long standing custom, for religious processions and public ceremonies such as the Muharram, &c.
Religious processions and ceremonies.

IV.
Political Department.

IV.—POLITICAL DEPARTMENT.

Contents.

CHAPTER.					PARAGRAPHS.
XXII.—Certificates of identity and passports—					
Certificates of identity	..	..	..	..	601—606
Passports ..	..	..	..	..	607—638
XXIII.—Pilgrims to Mecca	..	..	..	..	639—649
XXIV.—Native states and Native Chiefs—					
Native states	..	..	..	..	650—663
Native Chiefs	..	..	..	..	664—681
XXV.—Levées and darbars—					
Levées ..	..	..	..	..	682
Darbars ..	..	..	..	..	683—707
XXVI.—Dress regulations	..	..	..	..	708—711
XXVII.—Political pensions	..	..	..	..	712—718
XXVIII.—Titles	..	..	..	..	719—724
XXIX.—Memorials from persons in the political charge of the Local					
Government ..	..	..	..	..	725—735
XXX.—Miscellaneous	..	..	..	..	736—743

IV.—POLITICAL DEPARTMENT.

Chapter XXII.—Certificates of identity and passports (except for Mecca*).

A.—Certificates of identity.

601. It not infrequently happens that natives of India, students or others, who have proceeded to England, desire to obtain passports to enable them to travel to foreign countries in which the possession of a passport is necessary or desirable, and that difficulty often arises from want of evidence to show that the applicant is a British subject and therefore entitled to a passport. Appeals for assistance are also frequently addressed to the Secretary of State for India by destitute Indians who desire to return to their country and by students who, owing to embarrassed circumstances, are unable to complete their course of education. In order to enable the Secretary of State to deal with such cases satisfactorily, it is necessary to press upon Indian students and others visiting England the desirability of providing themselves, before their departure from India, with an authoritative certificate of identity in the prescribed form.

Note 1.—The certificates are only intended for natives of India proceeding to England either direct or after first visiting some foreign country. In the latter case a certificate should be granted for use in England even though a passport may have been granted for the purposes of foreign travel.

Note 2.—See also paragraphs 1901 *et seq.*

602. Orders have been issued by the educational department of the Japanese Government to the effect that applications on the part of foreign students for admission to schools in Japan must be made through the diplomatic or consular representatives of the country in Japan. Indian students, therefore, proceeding to Japan for their education should, before their departure from India, provide themselves with an authoritative certificate of identity in the prescribed form.

603. Certificates of identity in the prescribed form should also, when desired, be granted to Indian gentlemen proceeding to America for purposes of study or otherwise.

604. A certificate of identity should be signed by the head of the district in the case of residents of British India, and by the political officer in that of residents of native states. For a student proceeding to England the certificate should be signed by the head of his last school or college and countersigned by the district officer or political officer, as the case may be.

Cf. G. G. O. (H. D.) no. 2831, dated 8th Dec. 1899, and G. O. no. 109/IV—416B, dated 25th Feb. 1901.

Cf. G. G. O. (H. D.) no. 3048, dated 13th May 1901.

Cf. G. G. O. no. 481, dated 15th Nov. 1901.

Cf. G. G. O. no. 609, dated 8th June 1910, and G. O. no. 640/X—737—XV—171, dated 8th July and 11th Aug. 1910.

**Note.*—For pilgrims to Mecca see paragraph 642.

130 CERTIFICATES OF IDENTITY AND PASSPORTS (EXCEPT FOR MECCA).

The district or political officer will endorse on the certificate of identity his opinion whether the person is a British subject "by birth" or "by naturalization" (or a subject of a native state) or not.

Note.—The district or political officer or head of the school or college will not refuse an applicant proceeding to England a certificate if his means do not appear to be sufficient to enable him to effect his object, but will merely attempt to dissuade him from undertaking the journey, pointing out the difficulties in which the applicant would be placed were he to find himself in a foreign country without sufficient means. The possession of a certificate of identity will especially be very useful to young men of good family, as it will enable the Secretary of State to obtain for them social and other attentions which may prove of great value.

Cf. G. G. O. Educ. D.), no. 197, dated 14th Feb. 1911.

605. Certificates of identity should bear the signature of the persons to whom they are granted.

606. The district or political officer will also send copies of the certificate of identity direct to—

- (1) the Local Government,
- (2) the Under Secretary of State for cases under paragraphs 601 and 603,
- (3) His Majesty's Legation in Tokio in the case of students going to Japan, and
- (4) to the British Embassy at Washington, when granted to Indian gentlemen visiting America.

Note.—Every facility should be given for obtaining certificates of identity, and wide publicity should be given to these orders.

B.—Passports.

Cf. G. G. O. no. 3A, dated 31st Jan. 1866.

607. Magistrates and other authorities, civil and political, are strictly

Passports not to be issued for travelling in India.

forbidden to grant passports or certificates, and other documents in the nature of passports, to persons travelling or intending to travel from one part

of India to another.

Cf. G. G. O. (H. D.) no. 71, dated 3rd March 1863, and G. O. no. 14/IV—262, dated 14th Jan. 1902, and no. 123/IV—27, dated 2nd Feb. 1907.

608. In order that they may have no difficulty in being registered as

Passports for foreign countries.

British subjects at the British consulates all British subjects and subjects of the Rampur, Benares and

Tehri states who intend to emigrate to foreign

countries or to proceed into foreign territory west of the Indus or beyond the seas should be impressed with the necessity* of providing themselves with passports, which are obtainable from the Local Government. Applications for passports should be submitted through District Magistrates; they need only be endorsed, a covering letter being unnecessary.

609. Passports are also procurable at the office of the Secretary to the Government of Bombay, but travellers from the United Provinces who apply at Bombay will not be granted passports by that Government without the production of a certificate of nationality signed or countersigned by an officer of the Government of the United Provinces of not lower rank than a tahsildar.

Cf. G. G. O. no. 1599G. and 1908G., dated 17th June 1908 and 6th Sept. 1910.

610. Passports may be issued—(a) to all *bona fide* British subjects,

Rules for the issue of passports.

either by birth or by naturalization, and (b) to subjects of protected native states; but to no other persons.

* *Note.*—Except in the case of pilgrims to the Hedjaz (paragraph 629). But paragraph 642 should also be seen.

IV.—Political Dept.]

CERTIFICATES OF IDENTITY AND PASSPORTS (EXCEPT FOR MECCA). 131

611. There are four forms of passports, marked A, B, B-1, and C. For British subjects by birth form A is to be used: for British subjects by naturalization in the United Kingdom the passport is in form B, and for British ^{Indian} Colonial subjects by naturalization in form B-1; form C is used for natural born subjects of protected native states. The same forms, lettered in red ink, are used for cases in which more persons than one of the same family are included in a single passport.

612. Applicants for passports must, in the absence of satisfactory reason to the contrary, apply for them in person.

613. The applicant will be required to fill up form D in the presence of an officer appointed in this behalf.

Note.—Applicants for passports should insert the names of their companions in the space provided for this purpose in the form.

614. Form D will then be submitted for orders with any remarks that may be necessary to the officer empowered to grant the passport. This officer, in the case of passports in form C, will be the chief political officer for the native state in question.

Note 1.—Such passports are issued from the Secretariat under the signature of the Chief Secretary to Government.

Note 2.—Form D should ordinarily be verified by the district officer.

615. Ordinarily no passport will be issued except on the written order of the officer mentioned in paragraph 613.

616. If there is room for doubt as to the applicant's nationality, the production of documentary or other satisfactory proof should be insisted upon and such proof should be strictly scrutinized, and where necessary referred to the district, political or police authorities for inquiry. In the absence of satisfactory proof the passport should generally be refused.

The mere fact of being a British subject or a subject of a protected native state does not imply any vested right to claim a passport, which can either be granted or withheld at the discretion of the Local Government or Administration concerned. Passports should not ordinarily be granted to persons of doubtful character or respectability.

617. When no properly attested certificates of birth or of naturalization are forthcoming, affidavits taken before a magistrate, and attested by two well-known residents, may be accepted; but, if there is any reason for doubting the validity of this evidence, the case should be referred to the police authorities.

618. In the case of an applicant of Chinese race, who is proceeding to China, a passport should only be granted when the applicant has produced evidence to show that he has the status of a British-born subject, and that he has resided in British territory for a period of three years immediately previous to the date of his application for a passport.

619. The officer granting the passport should state the period for which it is to be available. This should not in any circumstances exceed five years.

620. The fee to be levied on the issue of each passport is one rupee. This sum should be credited to Government at the local treasury.

Note.—The fact that this has been done should be intimated to the Government (vide G. O. no. 122/IV—153, dated the 18th January 1909).

Cf. G. O. no. 217/IV—78, dated 1st Apr. 1905.

Cf. G. G. O. (For. D.) no. 183G., dated 25th Jan. 1910.

Cf. G. G. O. (For. D.) no. 1589G., dated 29th July 1905.

Cf. G. G. O. (For. D.) no. 547G., dated 2nd March 1909.

132 CERTIFICATES OF IDENTITY AND PASSPORTS (EXCEPT FOR MECCA).

621. The issue of every passport should be entered in a passport register, a true copy of every passport, with the application in original, being placed on record.

622. In all cases of doubt, whether as to status or otherwise, a reference should be made to the Government of India.

623. Passports should usually be applied for in person, but written applications from officials, or persons as to whose identity and right to a passport there is no doubt, may be complied with. The officer mentioned in paragraph 613 should direct applicants to fill up the prescribed form of application (form D) and should obtain from them any additional information which he thinks may be required. He should then submit each application for orders.

Note.—It has been decided that it is unnecessary that applications for passports should be sent under covering letters. In future they need only be endorsed to the Government

624. When applications for passports are received by letter, the first step is to have the prescribed form filled up. The case should then be dealt with in the usual way.

625. Every precaution should be taken to prevent the issue of passports except as provided by the rules. Persons who have no claim frequently apply stating that they are going abroad immediately. No plea of this kind warrants a relaxation of vigilance. Unless the applicant is well known, the deferment of his application to the last moment should, if he is of foreign extraction, rather afford grounds for special care.

626. An old passport presented by an applicant should usually be retained if a new one is issued; and even when a fresh passport is refused the old one should not be returned if it is clear that it was obtained fraudulently. If the applicant seems inclined to make any trouble about the matter, it will generally be sufficient to hand the document over to the police authorities and refer the applicant to them.

627. If there is reason for doubting the identity of a person applying for a passport as a British subject naturalized in India, the signature on his application should be compared with that affixed to his naturalization papers.

628. In the case of any person either in the Indian Services, or in a British regiment stationed in India, or domiciled in India, who is desirous of travelling in the countries adjoining India, where the question of crossing the land frontier may arise, or in Arabia in the vicinity of the Aden hinterland, Nejd, Koweit, Maskat, Mesopotamia, Trans-Caspia, or Central Asia, no passport should be given without the permission of the Government of India. In the case of military officers, attention is also drawn to section 237, A. R. I., Vol. II.

Leave to undertake expeditions in the regions named above, for purposes of sport or amusement, is granted only when some special reasons exist for exceptional treatment.

629. Applicants who contemplate travelling in Persian or Turkish territory should be warned that it is necessary that their passports should receive the Persian or Turkish visa, as the case may be. This can be obtained at Bombay, where there are Persian and Turkish consulates. A

IV.—Political Dept.]

CERTIFICATES OF IDENTITY AND PASSPORTS (EXCEPT FOR MECCA). 133

visa is also necessary in the case of passports issued for Russia, Roumania, Colombia, Hayti and Venezuela. British subjects and natural born subjects of native states in India contemplating residence in Persia should take, with them documentary proof of their nationality, to enable them to be registered as such at the nearest British consulates within one month of arrival in the country, in accordance with the provisions of the Persian Coast and Islands Order in Council. Pilgrims to the Hedjaz are not required by the Turkish Government to carry passports.

Note 1.—Travellers proceeding to Baghdad or any other place in the interior of Turkey must in future, besides having passports duly visaed by a Turkish Consul, provide themselves on their arrival in the country with a Turkish travelling permit called "Murur Teskeressi," price 12 piastres, which can be obtained through the British Consulate.

Note 2.—Persons desirous of travelling in Persia must show their passports on entering Persian territory, and if they have not been visaed by a Persian Consul, they must pay a fee of 12 krans (Rs. 3-7-0), or in the case of labourers or artisans 4 krans.

630. Passports to British Colonies, other than Australia, and to Chinese Turkistan, cannot be granted without the sanction of the Government of India. As regards Chinese Turkestan, in the event of sanction being accorded, intending travellers must make their own arrangements for obtaining the necessary passport from the Chinese Government. For this they should apply to His Britannic Majesty's Minister, Peking, stating in the fullest detail possible the route which they propose to follow and mentioning that the permission of the Government of India to make the journey has been obtained. Travellers proceeding via Gilgit will be required to give an undertaking that they will not start from Bandipur before the 15th May, and will limit their baggage to what the local officers may consider to be a reasonable quantity: they will also be subject to the rules (incorporated as appendix C in the Kashmir Visitors' Rules) for the better regulation of sport in the Pamirs.

Cf. G. G. O. (For D.) no. 945 G., dated 27th Apr. 1909.

Passports are not granted to Afghanistan.

631. Passports to Australia may be granted to Indian subjects of His Majesty or of protected native states in India who can fairly be described as "merchants, students, or tourist travellers." Passports should not be granted to petty traders, artisans or labourers, or to persons whose object is to settle in the country. The orders on this subject, which were conveyed in the Government of India, department of Revenue and Agriculture, letter to all Local Governments and Administrations, no. 13/80-6, dated the 18th October 1904, should be strictly observed.

632. Foreigners are not permitted to travel in Russian Central Asia without the special permission of the Russian Government and similar permission is required for travel by the Trans-Caspian railway.

In the case of an officer of the Government of India travelling for his own pleasure, always assuming that he has received the authority of the Government of India to make the proposed journey, application for the Russian permit should be addressed by him direct to His Majesty's Government (The Foreign Office, London), and should contain an intimation that the authority of the Government of India to present the application has been obtained. In the case of an officer of the Government of India travelling on duty in Central Asia—which is of very rare occurrence—the Government of India would obtain the permit through His Majesty's Secretary of State for India.

134 CERTIFICATES OF IDENTITY AND PASSPORTS (EXCEPT FOR MECCA).

The Diplomatic Staff of the Governor General of Turkistan and of the Head of the Trans-Caspian Province have been instructed to place themselves at the disposition of all travellers in those districts with a view to facilitating their journeys. Travellers should place themselves in communication with these officials at Tashkend or Ashkabad on passing through those towns.

633. Passports for British merchants and others wishing to proceed to China can only be obtained through the British Minister at Peking or His Majesty's Government. Indian passports are not required for merely landing at ports touched by recognized lines of steamers or for the treaty ports of China and Japan; and the possession of such passports gives no authority to visit the interior.

634. Passports should not be granted to subjects of His Majesty the Amir of Afghanistan proceeding abroad, but such persons should be advised to obtain certificates of identity with a view to their receiving the good offices of His Majesty's representatives.

635. Passports are not required for visiting the Indian possessions of foreign European powers.

636. A British subject by birth, i.e. a natural born British subject, is a person who was himself born in the dominions of His Majesty, or whose father and grandfather was so born; and a naturalized British subject is a person who is not by birth or descent, as aforesaid, a British subject, but has acquired British nationality by means of naturalization. The Indian Naturalization Act of 1852 will not however confer upon a person who has been naturalized in British India under its provision the privilege of British nationality elsewhere than within British India. Any person born in British India does not cease to be a British subject merely by reason of his settling in a native state in India; and the children and grandchildren of such a person, though born in a native state, are *prima facie* British subjects.

637. Useful information regarding the passport requirements of foreign countries may be obtained from the Foreign Office List and Diplomatic and Consular Year Book. [Harrison and Son, 45, Pall Mall, London. Price 10s 6d.]

Of. G. G. O.
(H.D.) no. 231, dated
28th Jan. 1907,
no. 1500, dated 27th
June 1907, and
no. 2118, dated 9th
Aug. 1907.

638. In cases where certificates of identity are not granted, copies of passports supplied to natives of India visiting England and other European countries should be sent direct to the India Office by the authority which issues them. Quarterly returns of such passports should be forwarded along with the returns of certificates of identity and should be drawn up in the prescribed form.

Chapter XXIII.—Pilgrims to Mecca.

639. The general instructions for pilgrims to the Hedjaz and the rules for the guidance of officers and others concerned in the Red Sea pilgrim traffic are contained in the Pilgrim Traffic Manual.

640. A protector of pilgrims has been appointed in Bombay. He is a Muhammadan and works in subordination to the Commissioner of Police.

Cf. G. G. O. (H. D.) no. 4-198-214, dated 12th July 1882, and no. 9/3291, dated 28th Sept. 1883.

His duties are to issue passports to all applicants; to aid them in procuring the necessary equipment for the voyage; to bring to notice the existence of any epidemic disease among them; and generally to give them all the information and assistance within his power in respect of every matter connected with their pilgrimage.

641. In order to secure as far as possible that Indian pilgrims to the Hedjaz are properly treated after landing and to assist them in making arrangements for the return passage a Muhammadan gentleman has been appointed to act as Vice-Consul at Jeddah.

642. Every pilgrim to Mecca is recommended to provide himself with a passport in order that the advice and assistance of the British Consul at Jeddah may be obtained. Passports will be given unconditionally and free of charge to every intending pilgrim who is an Indian subject, not only at the ports of embarkation, but also by all stipendiary magistrates at head quarters in sub-divisional charge, at the tahsils of every district in British India, and at the head quarters of all political agencies in native states. No deposit or other guarantees of the ability of the grantee to discharge the cost of his journey in Arabia or of his return journey will be required. But pilgrims should be warned that they should have at least Rs. 300 with them before leaving India after paying their passage to Jeddah, as no pecuniary assistance can be obtained from the British authorities at Jeddah. Care should also be taken by the officer granting the passport to record on it the fact of a pilgrim being in poor circumstances.

Cf. G. G. O. (H. D.) no. 4-198-214, dated 12th July 1882.

643. In view of the fact that small-pox frequently prevails as a virulent epidemic in the holy cities and other places in Arabia, all educated Muhammadans should be requested to impress upon those of their faith who intend to perform the Haj the great desirability of being vaccinated or re-vaccinated before leaving their homes in India for Mecca. Pilgrims may also be vaccinated in Bombay and special arrangements have been made for the attendance of male and female vaccinators at *musaфирthanas* four days previous to the sailing of every pilgrim ship. The vaccination of strict pardanashin female pilgrims is carried out under suitable arrangements at the residence of the protector of pilgrims.

Cf. G. O. no. 513 and 891/IV-143, dated 23rd June 1910 and 7th Oct. 1910.

Note.—Owing to misapprehensions which have arisen pilgrims should be made to understand that the "tika" in Bombay refers to vaccination against small-pox and not to inoculation against plague.

*Cf. G. O. no. 553/
IV—143, dated 7th
July 1910.*

644. Certificates of vaccination should be issued to pilgrims who are vaccinated or re-vaccinated before their departure for Bombay. The certificates may be granted by (i) officers of the district staff, (ii) honorary magistrates, honorary munsifs and honorary assistant collectors, (iii) tahsildars or naib-tahsildars, (iv) members of district boards and (v) medical officers in charge of dispensaries.

Note.—The form of certificate has been prescribed and forms are supplied by the Superintendent of the Government Press. Ten copies were supplied to each of the above persons in the first instance with instructions that they should be recouped when necessary from a stock kept at district head quarters.

*Cf. G. O. no. 513/
IV—143, dated 23rd
June 1910.*

645. During some pilgrim seasons there is a great rush of pilgrims from other provinces into Bombay and the rates of passages to Jeddah rise to a very high figure. This is often due in a great measure to the action of *Mutawifs* (Bengal Muhammadans) from Arabia who, by spreading reports of cheap passages and by various other methods, succeed in persuading their co-religionists to perform the Haj. Muhammadans residing in the United Provinces should be warned not to give credence to information circulated by irresponsible persons from the Hedjaz. Any information they desire about the journey to the Hedjaz should be obtained direct from the protector of pilgrims in Bombay.

*Cf. G. O. no. 632/
IV—143, dated 2nd
Aug. 1910.*

646. The Governor of Jeddah desires that all pilgrims should provide themselves at the port of embarkation in India with return tickets from Jeddah to India.

*Cf. G. O. no. 632/
IV—143, dated 2nd
Aug. 1910.*

647. The Governor of Jeddah has decided that pilgrims will not in future be allowed to sleep in the streets. The cost of lodging is stated by the Consul at Jeddah to be 4 annas a night for the first three nights and 2 annas for subsequent nights.

*G. O. no. 219/IV—
315, dated 22nd Feb
1910.*

648. Owing to the inability of many pilgrims on their arrival at Bombay from Mecca to purchase return tickets to their homes, district officers have been requested to urge the leading Muhammadans in their districts to form local committees with the object of collecting subscriptions for a repatriation fund in Bombay. The funds collected should be sent by the committees to the Commissioner of Police, Bombay, who will render a yearly account to them. The committee should also be asked to disseminate all official orders and information regarding the Haj received from the Bombay pilgrim department. All correspondence regarding the repatriation fund and the dissemination of information should be conducted by the committees direct with the protector of pilgrims, Bombay.

*Cf. G. O. no. 681/
IV—174, dated 24th
Aug. 1908.*

649. The Commissioner of Police at Bombay has been authorized to receive direct from the Consul at Jeddah the proceeds of the estates of pilgrims who die in the Hedjaz, and to arrange for their disposal in direct correspondence with district officers. In the event, therefore, of any application being made regarding the estate of any pilgrim said to have died in the Hedjaz, the district officer should address the Commissioner of Police at Bombay in the matter.

Chapter XXIV.—Native states and Native Chiefs.

A.—Native states.

650. Civil officers of British districts are prohibited from communicating directly with independent chiefs or their district officers with officials, except in cases of urgency, in which native states. category summonses for witnesses may be included. Copies of any such direct requisitions should simultaneously be furnished to the Political Officer, care being taken that the applications are couched in courteous terms and bear the proper title. If any doubt is entertained by Magistrates as to the mode in which any Chiefs should be addressed the requisite information can be obtained from the Government. In every case sufficient time, calculated on a consideration of distance and other circumstances, should be allowed for service of summons.

Cf. G. G. O. (For. D.) no. 846, dated 4th Oct. 1865.

Cf. G. O. no. 56A, dated 7th Nov. 1867.

651. Copies of any communications, written or verbal, that may be Communication of addressed to native states in pursuance of instructions issued by the Governor General in Council, official correspondence to native states. should be at once submitted through the Local Government for the information of the Government of India. Except in very special circumstances, copies of letters received from, or addressed to, the Government of India should not be sent to the officials of a native state. In ordinary cases the purport only of such letters should be communicated to the native states, as far as may be, in the same language in which the views or orders of the Government of India are conveyed.

Cf. G. G. O. (For. D.) no. 3046I, dated 16th Sept. 1890.

When it is desired to obtain information regarding a native state or to initiate any action, such as the survey for a canal within the territory by such state, all communications on the subject, when not addressed by the Local Government to the Government of India, Foreign department, should be made either to the Agent to the Governor General or to the Resident. No direct communication should in any case be made to darbars or to subordinate political officers.

652. All communications of importance to Native Princes and Chiefs Language of correspondence with native states. must be in English; but the use of English should not be made the occasion for depriving Native Chiefs of the titles and respectful mode of address to which they are entitled and accustomed.

Cf. G. G. O. (For. D.) no. 216, dated 30th June 1864.

653. Holders of decrees obtained in British tribunals must present Execution of decrees of British tribunals in native states. them themselves, or by their lawfully constituted agents, for execution before such tribunals, without in any way invoking the aid or relying on the influence of the British representative. The question of reciprocity in the execution of decrees is one which the tribunals of the respective Governments must decide.

Cf. G. G. O. (For. D.) no. 240, dated 27th Aug. 1868.

Where there are no regular tribunals, the political representative will, as a general rule, abstain from putting any pressure on, or using his influence with, the Chief or the darbar in order to secure the execution of a decree obtained in British territory. Nor ought this determination to inflict any real hardship on claimants who successfully have resorted to our courts for redress. In many cases where large sums of money are claimed from debtors resident in British territory, such persons, if they abscond into native states, leave either property or partners behind them

in the said British territory, against whom execution may at once be taken out; and in all cases where plaintiffs apprehend that a defaulting debtor may abscond or may convey away his property, the provisions of the Code of Civil Procedure regarding the attachment of property while a suit is pending, afford to all litigants who are properly alive to their rights and position during litigation a fair and adequate security against eventual loss by evasion or default. There may occur, however, some exceptional cases in which a defaulting and absconding debtor possesses large means within the limits of native territories, in which the default and evasion may be marked by acts of gross fraud and flagrant dishonesty, and in which, by deceit or artifice, he may have reduced the honest creditor to ruin, or have left him without the slightest prospect of redress, and there may be other peculiar circumstances which in the judgment of the political officer might render interposition on his part expedient. In such cases the representative of the British power may most properly use his discretion in pointing out to the Chief and the Darbar the special circumstances which render intervention desirable, and may urge them to compel the defaulter to discharge his liabilities. In cases of remarkable difficulty or doubt, the political authority may refer the matter to the Government for orders before taking any action.

These cases, however, will form the exception and not the rule, and the political authority will only adopt this course when he is fully satisfied that the case is distinguished by exceptional circumstances, and that the claimant has been the victim of fraud and trickery and has practically no other means of obtaining his rights.

Cf. G. G. O.
(For. D.) no. 17791-
A., dated 28th June
1893

654. Arrangements should be made to secure prompt information being supplied to the local military authorities whenever an enrolled follower of His Majesty's Army is arrested under the order of any court of a native state in the United Provinces; a further report should follow in event of such arrest resulting in conviction.

Cf. G. G. O.
(For. D.) no. 651-
IB, dated 7th Apr.
1910.

Similar information should be furnished in the case of the arrest of any native officer or soldier of the Indian Army except in those cases where existing rules require the offender to be handed over to the nearest military authority.

Cf. G. G. O.
(For. D.) no 1095,
dated 18th July
1866.

655. Every state is responsible for the secure passage through its territory of the Government mail and parcel posts. Where mail or parcel posts are plundered with impunity in consequence of inefficient arrangements for their security on the high roads traversing a state a state will be required to increase the guard, which accompany the mails and to strengthen its police stations along the roads, or the same will be done by the British Government at the expense of the native state. Where mail or parcel posts are plundered, the native states into which the plunderers are traced, and out of which they cannot be traced, will be expected to levy compensation from the district for the value of the plundered mails or parcel posts.

*Cf. G. O. no. 3/
VIII—33-5, dated
17th May 1884.*

656. When the co-operation of native darbars and political agencies is desired on the occurrence of serious cases of dacoity or similar crimes on the borders of British territory, an official communication to that effect may be

addressed to the head quarters of the agencies concerned, concurrently with any separate communication which it may be deemed necessary to send, officially or semi-officially, to the local political authorities. The agencies should also be kept fully informed of all proceedings which officers serving under this Government may, in accordance with the local political authorities, subsequently carry out in connection with occurrences of the kind referred to.

657. There is a political necessity for placing restrictions upon British officers, visiting countries beyond the frontiers of India, such as Afghanistan, Nepal, Kashgar and Tibet, but there is no such necessity for placing

Visits of British officers to native states.

restriction on visits to native territory within the limits of India; but when officers of the Government travelling in native states move off the main lines of road, they should in all cases send intimation to the political agent or other officer through whom correspondence with the native states is usually conducted. As regards visiting countries situated beyond the frontiers of India, applications for permission to cross the Indian frontier must be submitted for the consideration of the Government of India in the Foreign department.

658. The Local Government has been authorized to sanction the

Employment of Europeans and Eurasians in the service of native states.

employment of Europeans (which term include, American, Mexican, and Tahitian) in any capacity, subject to the understanding, that in each case, before sanction is accorded, full enquiry will be made, through the Director of Criminal Intelligence or otherwise, into the character and antecedents of any European whose services a darbar may propose to engage. The employment of Eurasians need not be formally sanctioned.

Note 1.—These rules do not apply to Europeans who are government servants or pensioners of the Government.

Note 2.—The local authorities should endeavour in doubtful cases to distinguish sufficiently for practical purposes between Europeans and Eurasians.

659. The Commissioners of the Rohilkhand, Benares and Kumaun divisions in their capacity of Lieutenant-Governor's Agents for Rampur, Benares and Tehri respectively, are authorized to sanction the employment of Europeans (not being government servants or pensioners of the Government) in positions of minor importance (such as band-men, gardeners and mechanics) in the Rampur, Benares and Tehri states.

660. The Governor-General in Council has decided that no restriction

Emoluments, &c. of pensioners employed in native states.

shall be placed on the discretion of durbars in regard to the remuneration, emoluments, privilege, or convenience which they desire to grant to European pensioners of the Government in their employ; and that the cases of such employes shall be regulated by the orders which govern the employment by native states of non-official Europeans, that is to say, that, while the sanction of the Government must be obtained to their engagement, the question of the emolument, &c., to be granted to them will be left unreservedly to the discretion of the darbar concerned.

661. The Commissioners of the Rohilkhand, Benares and Kumaun in their

Graves of Europeans in native states.

capacity of the Lieutenant-Governor's Agents for Rampur, Benares and Tehri (Garhwal,) respectively, should satisfy themselves that all graves of Europeans

Cf. G. G. O. (For. D.) no. 2587P., dated 21st Sept. 1875.

Cf. G. G. O. (For. D.) no. 30441-C, dated 23rd July 1903, as amended.

Cf. G. G. O. no 58/IV—45, dated 1st Feb. 1899.

Cf. G. G. O. (For. D.) no. 87331., dated 1st Oct. 1897.

Cf. G. G. O. no. 768/IV—178, dated 23rd Sept. 1903, as amended.

Cf. G. G. O. (For. D.) no. 1315-35st.(A), dated 20th Apr. 1910.

Cf. G. G. O. (For. D.) no. 2261, dated 18th Jan. 1895, and no. 22-G., dated 5th Jan. 1910.

buried in the native states are kept in proper order, and should maintain a list of such graves in their offices.

662. As regards maintenance, these graves may be conveniently divided into the following classes:—

- (a) tombs of archaeological and historical interest;
- (b) tombs of officers of the British Government;
- (c) tombs of persons employed by native states with the sanction of the Government of India;
- (d) tombs of private persons, including those of members of the families of persons who would themselves fall under class (b) or (c).

Tombs of classes (a) and (b) will be preserved in accordance with the instructions regarding the preservation of ancient monuments. Charges for the maintenance of tombs in classes (c) and (d) should be met by the native state concerned, and Political Officers may, if occasion arises, make applications to darbars for any small sums of money required to keep such graves in repair.

Cf. G. G. O. (For. D.) no. 2872I-A, dated 6th Oct. 1899, and no. 828I-A, dated 1st March 1905.

663. All cases in which a native state contemplates granting concessions in respect to minerals to outsiders, whether natives of India or Europeans or Americans, must be reported to the local Political Officer. Cases of exploiting and prospecting licenses will be disposed of under the orders of the Local Government, a copy of the concession approved of being forwarded to the Government of India for information. Mining leases, with regard to the sanction of the Government of India. This order does not apply to cases in which the concession is to the subjects of the native state concerned; but the transfer of their concessions to outside capitalists, whether European or Indian, requires the previous sanction of the Government of India.

5. — Native Chiefs.

Table of salutes

seen.

Cf. G. G. O. no. 414A, dated 8th Dec. 1876.

Ceremonial to be observed at the arrival at and departure of Native Chiefs from Amahabad

664. For the table of salutes of Native Chiefs and others the lists in Appendix 10 should be seen.

665. Chiefs only passing through Allahabad and not leaving the railway station need not be formally received.

666. Chiefs need be formally received only (1) if they arrive by daylight, and (2) if due in attention to the authorities be given. Chiefs receiving salutes of 15 or more guns will be met at the railway station and accompanied to their residence by the Under-Secretary to Government in the political department and an Aide-de-Camp to the Lieutenant-Governor. In the event of Chiefs proceeding to their residence in palanquins, or in such other way that it may be inconvenient for them to be accompanied by European officers, the ceremony of accompanying them will be dispensed with. Chiefs receiving salutes of 21 guns will further be received at the door of their residence by the Commissioner. If possible,

they will also be accompanied to their residence by a small escort of cavalry. Chiefs receiving salutes of less than 15 guns will be received with the customary ceremonies by an officer of the district (civil) staff.

Note.—In the event of any officer being absent from Allahabad, or being unavoidably prevented from attending, his place will be taken by the officer who would in ordinary circumstances have had to represent him, i.e. in the event of the Commissioner's absence, the Magistrate will represent him, similarly, the Political Under Secretary will be represented by an Under Secretary, while the place of Aide-de-Camp will be taken by an assistant magistrate.

667. In all cases a police force as required will be in attendance.

668. The ceremonies at departure will be precisely similar to those at reception, the Commissioner taking leave of Chiefs receiving salutes of 21 guns at the door of their residence, and the Political Under Secretary and an Aide-de-Camp accompanying all Chiefs receiving salutes of 15 or more guns from their residence to the station.

Note.—In case of arrival or departure by night only the necessary police force will be present.

669. These rules will apply, as far as possible, *mutatis mutandis*, in other stations also.

Note.—As to guards of honour see paragraphs 678 *et seq.*

670. When any Ruling Chief or any native gentleman of rank travels in India by rail under circumstances involving an official reception on his arrival at any station, a person of proper rank on the visitor's staff should alight and meet the officer deputed for the visitor's reception, conduct him to the carriage occupied by the visitor and introduce him. In order to ensure that this arrangement may be carried out, intimation ought to be given to the visitor, or to the Political Officer in charge, that an official reception will be accorded.

Cf. G. G. O. (For. D) no. 399I., dated 31st Jan. 1893.

671. Cases have occurred in which Native Chiefs who desire to be received with a guard-of-honour and with the salute to which they are entitled have caused their intended arrival at a military station to be notified to the local authorities by their own private secretary. The practice is contrary to rule, and officers addressed direct by the officials of any state, for the purpose of securing public reception for the ruler of that state, should reply that they are unable to take any action in the matter without instructions from the Government.

Cf. G. G. O. no. 160/IV—434, dated 20th Feb. 1894.

672. In order that the civil authorities in Calcutta may have the means of communicating when necessary with the military officers concerned when any Native Chief is about to visit Calcutta during the Viceroy's absence from the presidency, timely notice should be given to the Chief Secretary to the Government of Bengal regarding the date and hour of the Chief's arrival.

Cf. G. G. O. (For. D) no. 3062I., dated 7th Aug. 1886.

673. (1) Subject to the limitations hereinafter prescribed guards-of-honour and escorts may be furnished according to the following scale, on requisition by the civil or political authorities, to Native Chiefs and Nobles who are received with a salute, permanent or personal, of 11 guns or more :—

Cf. para. 510 A.R.I., vol. II.

(a) To Chiefs entitled to a salute of 21 or 19 guns—

(i) *Guard-of-honour at point of entry (or departure).*—One hundred native infantry with a subadar, two jamadars, band and regimental colours.

- (ii) *Escort from point of entry to residence (if available).—*Two non-commissioned officers and twelve sowars.
- (iii) *Guard on residence.*—Two non-commissioned officers and twelve sepoy.
- (iv) *Escort to accompany the Chief when he goes out (if available).*—One non-commissioned officer and three sowars.
- (b) To Chiefs entitled to 17, 15, 13, or 11 guns—
 - (i) *Guard-of-honour at point of entry (or departure).*—Fifty native infantry, under a native officer.
 - (ii) *Escort from point of entry to residence (if available).*—For 17-gun Chiefs, two non-commissioned officers and twelve sowars; for the others, one non-commissioned officer and eight sowars.
 - (iii) *Guard on residence.*—For 17 and 15-gun Chiefs, two non-commissioned officers and twelve sepoy; for Chiefs entitled to 13 and 11 guns, one non-commissioned officer and six sepoy.
 - (iv) *Escort to accompany the Chief when he goes out (if available).*—One non-commissioned officer and three sowars.
- (c) A Chief entitled to a salute of 9 guns may be allowed one non-commissioned officer and three sowars as an escort from the point of entry (or departure) to (or from) his residence, and an escort of two sowars to accompany him when he goes out.
- (2) The guard on a Chief's residence may be increased when necessary for security.

672. The honours laid down in paragraph 673 for Chiefs and Nobles entitled to a salute of 21 and 19 guns may be accorded to them at any military station where this can be conveniently done.

675. The whole or part, as the case may be, of the honours laid down in paragraph 673 for Chiefs and Nobles entitled to salute of less than 19 gun, may be accorded to them at any military station where it is usual to detail guard or escorts (or both) to attend on the Chief concerned, local precedents being followed, provided that the foregoing conditions as to the strength and composition of guards and escorts are duly observed.

676. When a Native Chief or Noble entitled to a salute of 21 or 19 guns arrive at a military station, or when a Native Chief or Noble entitled to a salute of less than 19 guns arrives at a military station where he has hitherto been accorded, in whole or in part, the honours prescribed in paragraph 673, it will be the duty of the civil or political authority to intimate the fact to the military authorities, and to ask for such honours in whole or in part, as the case may be, and for the salute, provided that the visit is other than private. If the visit is private, the salute only may be given.

677. When during his stay at a military station, a Native Chief or Noble who is entitled to military honours attends a viceregal or local darbar or any other state ceremonial or function† to which he may have been

† A visit is private other when it is expressly declared to be so, or when it is undertaken merely for the purpose of attending ordinary social gatherings or public amusements.

† Attendance at ordinary local gatherings or places of amusements, such as race meetings, fairs, &c. is not attendance at "state functions."—in the meaning of this paragraph.

officially invited and at which such honours are customary, it will be the duty of the civil or political authority to intimate the fact to the military authorities and to ask for the whole or a part of such honours, as the Chief may be entitled to and as, in the case of a military station, may be customary there. The full military honours on such occasions comprise a salute and a guard-of-honour and escort as detailed in paragraph 673, the escort being that referred to as "from point of entry." A guard-of-honour should not be supplied to a Chief or Noble who has a salute of less than 11 guns.

678. Salutes will not be fired on Sundays. Should an officer who is entitled to a salute on this day desire to have it, it will be fired on the following day; in the case of Native Chiefs entitled to salutes entering a station on Sunday, the above order will be explained to them, and the salutes fired on the following day.

Cf. para. 520 A.R.I., vol. II.

679. Early information regarding the intention of a Chief or Noble to visit England should in each instance be supplied to the Government of India in the Foreign Department. Chiefs who may proceed to England unaccompanied by British officers should be advised to make arrangements for their residence at home through the Political Secretary at the India Office and the Political Aide-de-Camp. When the Political Agent does not consider that the aid of the Secretary in the Political Department is necessary, he should nevertheless ascertain from the Chief, as far as possible, what arrangements he contemplates, and should report them for communication to the India Office.

Cf. G.G.O. (For. D.) no. 1961I., dated 10th June 1886 and no. 3444I., dated 23rd Sept. 1886.

680. An early report with all necessary particulars should be made to the Government, in the case of sons and near relatives of Ruling Chiefs and of Indian Nobles visiting England for the purposes of education. Visits to England of sons or near relatives of Native Chiefs, &c. When sons or relatives of Ruling Chiefs, or young men of good position, intend paying a visit to England, it should be impressed upon them, before they start, that, as a matter of courtesy, they should keep His Majesty's Secretary of State informed, through the Political Aide-de-Camp at the India Office, of their changes of address.

Cf. G.G.O. (For. D.) no. 2308I.-A., dated 11th June 1902, no. 3058I.-B., dated 1st July 1903, and no. 3161 I.-C., dated 31st July 1906.

These instructions apply not only to the sons and near relations of Ruling Chiefs and Indian Nobles, but also to the Chiefs and Nobles themselves, and to all persons of good position to whom it is advisable to show some consideration.

681. His Majesty is more gratified by the receipt of a simple letter of friendship from one of the Princes of India than of the richest present which the country can supply. Presents from Native Chiefs to His Majesty the King-Emperor. If, disregarding this suggestion, they should still in any case propose to send presents to England, the proposal should be discouraged, and if the presents should still, as is very improbable, be sent through the Government, they will be disposed of and return gifts sent in the usual way.

Cf. Secretary of State's despatch no. 81, dated 17th June 1861.

Under no circumstances will any person in the service of the Government be permitted to receive charge of presents from any Native Prince of India for the purpose of conveying them to England.

Chapter XXV.—Levees and Darbars.

A.—Levés.

G. G. O. (M. D.)
no 410M, dated
13th Apr 1908, and
no 2230M, dated
22nd Oct 1908

632. At levées held by His Excellency the Viceroy and Governor General the following gentlemen will have the private entree for the United Provinces for levees held by the Viceroy.

EUROPEANS

His Honour the Lieutenant-Governor and staff
The Chief Justice
The Puisne Judges of the High Court
The Bishop of Lucknow
Members of the Board of Revenue
Judicial Commissioners and Additional Judicial Commissioners of Oudh.
Members of the Legislative Council for the United Provinces
Vice-Chancellor of the Allahabad University
Commissioners of divisions.
Chief Secretary and Secretaries to Government
The Roman Catholic Archbishop of Agia.
The Roman Catholic Bishop of Allahabad
Commissioner of Northern India Salt Revenue
Opium Agent, Benares.
Director of Public Instruction
Inspector-General of Police
Inspector-General of Civil Hospitals
Inspector-General of Prisons
Accountant-General
District and Sessions Judges (1st grade)
General Officers Commanding Armies, Divisions and Brigades

INDIANS

His Highness Nawab Sir Muhammad Haid Ali Khan Bahadur, G. C. I. E., W. L. of Purnia
His Highness Maharaja Sir Pubhu Narayan Singh, Bahadur G. C. I. E., of Benares
His Highness Raja Sir Kirti Sah, Bahadur, K. C. S. I., of Tehri
Nawab Muntaz ul-Daula Sir Muhammad Fayaz Ali Khan, K. C. I. E., C. S. I. of P. L. W.
The Hon'ble Raja Sir Ram Bahadur, C. I. E., of Lucknow
Raja Nudho Lal, C. S. I., of Benares
Raja Sir Muhammad Tasadduk Rasul Khan, K. C. S. I., of Jahangirabad.
Maharaja Sir Bhagwati Prasad Singh, K. C. I. E., of Bahampur, Gonda.
Raja Rudra Partab Sahi, of Dehra Sultanpur.

Raja Bhagwan Baksh Singh, of Amethi, Sultanpur.

Raja Sir Muhammad Ali Muhammad Khan, Khan Bahadur, K.C.I.E., of Mahmudabad, Sitapur.

Raja Sir Harnam Singh, Ahluwalia, K.C.I.E., of Kapurthala.

Nawab Mushtak Husain, of Aligarh and Amroha.

Note.—At levées held by His Excellency the Viceroy within the provinces and territories under the Supreme Government, the Calcutta list (published in the *Gazette of India* and reprinted in Thacker's Indian Directory) will be followed, but the private entrée will also be accorded to Secretaries and other officers of the Local Government or Administration not ranking below class I in the Table of Precedence. In all cases the senior local civil and military officer present will have the entrée. (Vide orders issued from the office of the Military Secretary to His Excellency the Viceroy, and dated 15th June 1882.)

B.—Darbars.

683. The darbar lists of the Lieutenant-Governor are formed of the following classes :—

- (1) Indian gentlemen of good family or local influence.
- (2) Men who have rendered conspicuous service to the Government.
- (3) Men distinguished for public spirit, evinced by the construction of works of general utility and convenience.
- (4) Men distinguished for learning or professional attainments.
- (5) Honorary servants to the Government, as city magistrates, members of municipal boards, &c.
- (6) Government officials.

684. In the first class alone is the right to a seat in darbar hereditary. As a rule, the eldest son of a darbari of the class, on the death of his father, will succeed to his position in darbar. This rule, however, is not absolute; and when on the death of his father, the estate has been largely reduced, or if the character and influence of the son do not appear to warrant his taking his father's place, the case will be considered and decided on its merits.

The right to a seat in darbar only belongs to one member of an undivided family. In the case of a divided family, the heads of each separate branch are eligible for seats. Subordinate members, uncles, cousins or brothers in an undivided family, are only eligible for seats if they possess special claims to consideration.

685. The second class includes many who will naturally find their place in the first class as well as many ex-officials of the Government of the civil and military services. The succession of the son to his father's place in darbar is not hereditary in this class; but if the services rendered have been great, and the character of the son be good, his claims will be favourably considered.

686. In the third and fourth classes recommendations should be made very sparingly, and only for conspicuous public spirit and liberality or distinguished attainments.

Honorary magistrates and honorary munsifs are *ex officio* entitled to seats in the Lieutenant-Governor's darbar.

*Cf. G. O. no. 710/
IV—690, dated 6th
Dec. 1897.*

687. All members of district boards and the following members of municipal boards are *ex officio* entitled to seats in the Lieutenant-Governor's darbar:—

(a) Members of boards at district head quarters.

(b) Chairmen of boards other than those at district head quarters.
If the chairman of any such board be an official, the vice-chairman, if not an official, should be invited to attend.

*Cf. G. O. no. 710/
IV—690, dated 6th
Dec. 1897.*

Members of boards other than those at district head quarters are not *ex officio* entitled to seats; but if on other grounds they have any title to be admitted, the fact that they are members of a municipal board will be considered to enhance their claim.

*Cf. G. O. no. 777/
IV—690, dated 24th
Dec. 1897.*

Note.—Honorary magistrates, honorary munsifs and members of municipal and district boards should not be entered by name in the darbar lists unless otherwise entitled to attend.

688. (1) Government officials need not be entered in the lists, Their classification can best be arranged on the basis of salaries; and in this view there will be two grades (a) those drawing Rs. 250 per mensem and upwards, and (b) those drawing Rs. 150 per mensem and upwards to Rs. 250. In both classes the ranking will primarily be by salary and the status of the branch of the service: officials in the same branch of the service and drawing the same salary being arranged according to seniority in gazetted service in the case of gazetted officers, and according to seniority in service in the case of other officers.

(2) All government officials drawing Rs. 250 per mensem and upwards will be admitted to darbars.

(3) Executive and judicial officers, and those departmental officers drawing Rs. 150 per mensem and upwards, of whom a list is given below, will be admitted darbars.

Executive and judicial officers.

Probationary deputy collectors.
Tahsildars.
Deputy magistrates, irrigation
branch, public works department.
Munsifs.

Departmental officers.

Assistant inspector of schools.
Extra assistant conservators of forests.
Supervisors, public works department.
Police inspectors.
Local head masters of schools.
Professors of colleges.
Assistant surgeons.
Deputy inspectors of schools.
Post masters.
Assistant superintendents of vaccination.
Government pleaders.
Upper division of the agricultural service.
Senior sub-assistant surgeons.

Note.—No ministerial officers, except when in receipt of salaries of Rs. 250 per mensem and upwards, will be admitted to darbars.

(4) A government official not eligible as such, e.g. a naib tahsildar or a sub-inspector of police, will be entitled to receive a seat if his name has been brought on the general darbar list on family or special grounds.

(5) The names of government officials in actual service who are the holders of minor titles, such as Rai Bahadur and Khan Bahadur, cannot be brought on the lists on the ground that they hold the minor titles specified.

Cf. G. O. no. 292/IV—157A, dated 3rd June 1897.

689. Darbar lists should be maintained by district officers with the greatest care, the names of all gentlemen entitled to a seat in the darbar of His Honour the Lieutenant-Governor being recorded in their proper places. The Commissioner should also maintain a darbar list for his division in the same form, with the addition of a column headed "divisional number" as column 1, assigning to the district darbaris their respective places in the general divisional list, and recording his opinion on each recommendation for the admission of new names, the omission of names already on the list, or the changes in position of darbaris.

Cf. G. O. no. 775/IV—481, dated 18th July 1903.

690. All recommendations for additions or omissions from the list, and not only those due to deaths of darbaris, should be made at any time during the year as occasion requires. Any changes in details that may be necessary should be reported to the Government as they occur.

691. On February 1st in each year a complete list of alterations thus reported will be printed by the Government and distributed to Commissioners and district officers for correction of their lists after verification. When these corrections have become numerous in any division, a complete revised list will be printed by the Government, after examination of the proofs by Commissioners, and distributed.

Note.—The amount of income of a darbari, to be entered in column 6, should not include the amount paid to the Government as revenue.

Cf. G. O. no. 429/IV—855A, dated 28th June 1900.

692. Formerly, in Oudh, only three classes of gentlemen were admitted to darbar: (1) ex-royal family; (2) taluqdars;

Oudh list. (3) the notables of the city of Lucknow (other than members of the ex-royal family). The lists of the first two classes have been kept up by the Government, and gentlemen whose names appear in them will not be included in the district lists. The third class will be mixed in the ordinary district list.

693. The darbar list of taluqdars contains the names of several ladies who have succeeded to the taluqa, and who are regarded as taluqdars. For the future the names of ladies will not be brought on the darbar list. A note

Cf. G. O. no. 622-3/IV—652, dated 14th Nov. 1894.

Taluqdars' list. of the fact of their being in possession of the taluqa will be duly recorded in the column of remarks in the darbar list. So long as a taluqa is held by a lady, so long will the estate continue to be unrepresented at darbars. Under no circumstances will she be allowed to send a representative to darbars. If a taluqdar dies leaving no landed property, his heir will not be recorded as a taluqdar in the darbar list. If the heir of such taluqdar is considered entitled to a seat in darbar, his name may be brought on the list of divisional darbaris. The name of a taluqdar who has lost or disposed of his landed property during his lifetime will ordinarily be retained on the darbar list for his life.

Cf. G. O. no. 226/IV—926, dated 16th Apr. 1896.

694. Every titled person or member of an order, whose name is on the provincial list of title-holders and in the manual of titles, will necessarily come under one or other of the recognised classes of darbaris, and should, unless there is any special reason against it, be brought on to the darbar list. In

Cf. G. O. no. 544/IV—159A, dated 2nd July 1898.

proposing the names of titled persons for entry in the lists, and suggesting the places to be allotted to them, Commissioners should be guided by the following considerations :—

Rajas, Nawabs and holders of similar high titles head the list; immediately after them come the holders of the titles of Shams-ul-ulama and Mahamahopadhyaya, whether in government service or not. Next in order should be entered Knights and Companions of Orders. To the holders of such titles as Rai Bahadur and Khan Bahadur no special positions are to be assigned solely on account of the title. They should take rank in darbar with other persons of similar social position and personal merits, and precedence should only be given to them when their other claims are exactly identical with those of untitled persons.

695. No change can be made in the position assigned to any darbari in the lists approved by the Lieutenant-Governor

Changes in lists.

without His Honour's sanction. No changes should be proposed by district officers, or recommended by

Commissioners, unless very strong grounds exist.

Cf. G. O. no. 399/IV—22, dated 11th July 1889, and no 211/IV—60, dated 10th March 1908.

696. The deaths of darbaris and any proposal regarding the successors to their seats should be reported to the Government

Deaths of darbaris.

on the occurrence of the deaths. If the Commissioner thinks that the seat of a darbari who has

died and who was not a hereditary darbari should not be filled his decision will be accepted and no orders will be passed by the Government. The form prescribed for reporting to the Government the deaths of darbaris contains also the information necessary for the correction of the provincial list of title-holders and manual of titles, in cases where the deceased darbari was also a title-holder.

Cf. G. O. no. 771/IV—478A., dated 10th Oct. 1898

697. In order to avoid delay in reporting the death of darbaris resident in cities where there is no patwari, all tahsildars should be supplied with a list of the darbaris living in each tahsil. They will be held responsible for reporting all deaths of darbaris in their respective tahsils to the District Magistrate.

Cf. G. O. no. 504-5/IV—696, dated 30th Aug. 1894.

698.

List of retired civil and military officials.

At the end of the divisional darbar list of ordinary darbaris, there will be a list of retired officials, civil and military. As a general rule, the places to be assigned to officials at darbar can only be determined on the basis of salary in the case of men in active service and of pension in the case of those who have retired; for example, subordinate judges and deputy collectors should be placed above all munsifs and tahsildars. A column should be added to the list to show "Date of pension" and for the heading "Amount of income" should be substituted "Amount of pension." Retired military officers will take precedence among themselves according to rank and date of commission.

Cf. G. O. no. 471/IV—45, dated 4th May 1909.

699. All officers entitled to a seat in darbar while in active service continue to be so entitled after their retirement from service.

Cf. G. O. no. 523/IV—171, dated 27th June 1910.

700. In order to keep these lists up to date the treasury officer shall inform a retired civil or military officer, whenever he draws his pension for the first time in a district, that if he wishes to attend darbars he should present a petition on plain paper giving distinctly his name,

father's name, and in the case of military officers, rank and date of last commission. A recommendation can then be made by the district officer through the Commissioner of the division for admission of the retired officer's name to the darbar list.

701. All native commissioned officers of the Indian Army, whether serving actively or retired on pension, shall be entitled, in virtue of their military rank, to seats in viceregal darbars, and, as a consequence, to seats in all provincial darbars as well. A native officer who is entitled to a seat in darbars as a civil darbari, i.e. in virtue of his social rank and position, independent of his military rank, shall, while on the active list, attend darbars as a native military officer. On retirement, or if living away from his regiment on leave or pension, it will be left to his choice to attend either in his military capacity or as a civil darbari.

Cf. G. G. O. no. 306/IV—425-16, dated 13th June 1889.

702. The places to be assigned in darbar to risaldars, subadars, resaidars, woordie-majors, and jamadars, in the Indian Army, on service and on pension, should be decided according to the following rules :—

Cf. G. O. no. 159, dated 21st Oct. 1879.

Note.—Under the Army Regulations, India, first and second class senior sub-assistant surgeons are ranked as subadars and jamadars respectively, and sub-assistant surgeons of all classes not being senior sub-assistant surgeons are ranked as native warrant officers. Senior sub-assistant surgeons are, therefore on retirement, eligible for admission to the darbar list of retired military officers and are ranked according to their class with subadars and jamadars according to the dates of their commissions to the last rank attained by them. But other sub-assistant surgeons, being merely warrant officers, should not be brought on the list of retired military officers on retirement.

Cf. G. O. no. 906/IV—218, dated 14th Sept. 1909.

(1) In regard to native officers on duty, the practice in these provinces has been not to assign to them as such places among the darbaris; they are separately presented, at the conclusion of the darbar, by their Commanding Officer. In the case of native officers on leave—not pensioned, but not on duty—all such should take their places along with the native (civil) officials, pay and priority of service ordinarily determining relative position.

(2) In regard to pensioned officers, no hard-and-fast rule can be laid down. Ordinarily, if he be a man of family and social position, the pensioned officer would occupy the place in darbar to which he would have been entitled had he not served in the army. If, on the other hand, the grounds of his admission to darbar are based on services or military rank, his place must be determined on its merits.

(3) A native officer on the retired list shall wear the uniform of his rank when after retirement he still continues to attend darbars in virtue of that rank, and not in virtue of any social rank and position he may hold independent of his military rank.

(4) Native officers attending darbars as such will, if the seats are arranged according to precedence, take precedence amongst themselves according to rank and dates of commissions.

(5) Should a native officer have retired from the service under circumstances which in any way reflect upon his character, he will forfeit his right to the honour of a seat in darbar in virtue of the military rank he held.

703. Although a minor's name may be entered on the darbar list for the purpose of determining his position on coming of age, care should be taken when the Lieutenant-Governor's intention of holding a darbar is made

Cf. G. O. no. 381/IV—940, dated 10th May 1893.

Admission of minors to darbars.

LEVÉES AND DARBARs.

known that no invitations are issued to minors. This rule will apply to darbaris of all classes ; and in the several darbar lists the word "minor" will be entered against the names of those darbaris who are minors.

Cf. G. O. no. 145/
IV—926, dated 27th
Feb. 1896.

704. On the occurrence of a local darbar (district or divisional), the list of darbaris present should be submitted to the Under Secretary to Government in the Political department within ten days from the date of the darbar with an explanation of the reasons for the non-attendance of each darbari who failed to be present. A darbari not showing sufficient cause for failure to attend the Lieutenant-Governor's darbar will be liable to have his name struck off the list. It is left to Commissioners to judge whether the excuses offered by the darbaris are valid or not. If Commissioners consider them valid, it will not be necessary to make a report to the Government. But such a report will be required in the case of those absentees who are unable to offer any valid excuse.

Absence of darbaris from darbars.

705. The following classes of persons (*ex officio* or otherwise) will be invited to attend the Viceroy's darbar in these provinces :—

1. All gentlemen whose names are borne on the darbar lists of the Lieutenant-Governor are entitled to seats in the Viceroy's darbar.
2. Of those gentlemen who are, *ex officio*, entitled to seats in the Lieutenant-Governor's darbar, but whose names do not appear in the darbar lists, the following should be invited to attend at a viceregal darbar :—

- (a) Honorary magistrates and honorary munsifs.
- (b) Members of the municipal board at the head quarters of the division.
- (c) Chairmen of the municipal boards at district head quarters. If the chairman of any such board is an official, the vice-chairman (if not an official) should be invited to attend.
- (d) Officials drawing not less than Rs. 250 a month.
- (e) Native commissioned officers of the army.

Cf. G. O. no. 1305/
IV—307, dated 27th
Dec. 1909.

706. Darbaris who have seats in darbar by virtue of their judicial or academic office and who are entitled to wear robes or gowns should appear in darbar in such robes or gowns.

Cf. G. G. O. (For.
D.) no. 514, dated
13th March 1868.

Cf. G. O. no. 223/
IV—69, dated 17th
March 1908.

707. All natives of India wearing boots or shoes of European fashion may appear thus habited before all the servants of the Government on all official or semi-official occasions, including darbars of all descriptions. In the case of natives wearing shoes of Indian fashion, the old social practice, whereby such shoes must be taken off within the customary limits, will be maintained by the servants of the Government in their official or semi-official capacities.

Note.—The above orders apply to visits paid to a district officer or other officials. Indian gentlemen wearing boots or shoes of European fashion should not be required, on such occasions, to remove their head gear.

Chapter XXVI.—Dress Regulations.

708. The following rules relate to the use of uniform by officers in
* civil employ :—
Civil officers.

I.—The uniform to be worn by officers in civil employ will be that shown in the appendix 11.

Cf. G. G. O.
(H. D.) no. 1970,
dated 15th Apr.
1909.

II.—Civil officers who do not hold purely political appointments, but merely have some political work to do in addition to the ordinary duties of their office, are not entitled to wear political uniform.

III.—An officer is not entitled to continue to wear the uniform of an office which he has ceased to hold.

IV.—At levées, drawing rooms and state ceremonials officers of the Army in civil employ, for whom no political or special uniform is prescribed, shall wear the uniform of the corps or department to which they belong: and, on all occasions on which military mess dress is worn by officers in military employ, it may also be worn by military officers in civil employ. But when a military officer is appointed substantively to any civil office for which uniform is prescribed, he shall wear the uniform of that office.

V.—An officer appointed temporarily to an office, for which a uniform is prescribed, need not wear that uniform.

VI.—Retired civil officers, who, when last on duty in India, were entitled to wear uniform, will be permitted to wear their uniform at the Court of His Majesty the King-Emperor. Such officers will, when living in India, be permitted to wear their uniform at Government Houses and on any occasion on which, before their retirement, they would have worn it.

VII.—Civil officers whose retirement is due to misconduct will not enjoy the privilege conferred by rule VI.

VIII.—Members of the Indian Civil Service, when on leave in England or otherwise present there during their service, will be permitted to wear their uniform at the Court of His Majesty the King-Emperor.

When attending full dress functions, such as courts and state balls, in England, officers entitled to wear uniform of the first and second classes described in appendix 11 should wear breeches, hose and shoes, as described in the extract from the publication entitled "Dress worn at Court," edition 1908, printed as appendix 12, instead of trousers and boots.

709. When military officers serving under the Government of the United Provinces appear in uniform, they are to wear the full dress or undress prescribed in His Majesty's Regulations, but they are on no account to appear in a mixture of both dresses. Officers serving in staff departments for which no dress is prescribed in the regulations will, if they belong to the Indian Army, wear the uniform of that Army, or if they do not belong to it, then the dress of their former regiment; but they are not permitted to wear the uniform prescribed for the General Staff of the army.

Cf. G. G. O. (M.
D.) no 174, dated
6th July 1863.

* *Note.*—These rules do not apply to officers holding political appointments.

Cf. G. G. O. (M. D.) no. 857, dated 25th Feb. 1864.

Cf. G. G. O. (M. D.) no. 155, dated 8th July 1870.

This order is not meant to direct officers of the army in civil employment to wear military uniform on any occasion; but when officers so employed wear military uniform at all, they should adhere strictly to the uniform prescribed for the corps or regiment to which they belong.

This rule shall remain in force, except as regards levées, drawing rooms, or other state occasions, when officers in civil employment, if no political or special uniform is prescribed, should wear the uniform of the corps or department to which they belong.

710. The rules regarding the wearing of decorations and medals

Decorations and medals.

are contained in appendix 13.

Cf. G. G. O. (For. D.) no. 1709 I. R., dated 26th Aug. 1909.

711. The badges of the literary titles of Mahamahopadhyaya and Shams-ul-ulama are intended to be worn merely as ornaments on the robes of honour and are not in the nature of an order. The badge is to be worn as a brooch only. In the case of a Mahamahopadhyaya it should be attached to the knot of the *uttariya* or scarf, the lotus flower being worn on the turban, and in that of a Shams-ul-ulama to the *choga* or outer garment.

Chapter XXVII.—Political pensions.*

712. The rules in paragraphs 713—718 are the rules governing political pensions in Oudh and those paid to the Delhi ex-Royal Family.

Rules under the Pension Act.

713. Political pensions are drawn under the following headings :—

1. Territorial and political pensions.
2. Collateral relatives of the ex-King of Oudh.
3. Intiazis.
4. Miscellaneous.

Cf. G. O. no. 212A, dated 30th May 1877.

Cf. G. O. no. 73, dated 22nd Jan. 1879, and G. O. (For. D.) no. 1326G., dated 1st July 1886.

714. The wasika pensions are under the immediate control of the wasika officer, by whom all questions are decided, under the orders of the Commissioner of Lucknow. Some of these pensions are governed by purely Muhammadan law ; others partly by this law and partly by orders and rules laid down from time to time by the Government of India, by the former Residents of Lucknow, and by the Local Government as cases have come up. Some of the pensions are hereditary ; others lapse to the Government. Each will continue to be treated in the same manner as it has hitherto been.

The wasika officer is invested with discretionary power, under the control of the Commissioner of Lucknow, to grant or withhold certificates under the Pensions Act, 1871, for the trial of disputed claims to wasika pensions in the civil court.

715. As regards the pensions of the collateral relatives of the ex-King of Oudh and the members of the Delhi ex-Royal Family—

(i) The only persons who can be recognized as collateral relatives within the meaning of these rules are, firstly, those whose names are entered as such in one or other of the lists furnished to the Government of India by letter from the Secretary to the Chief Commissioner of Oudh, no. 1819, dated the 18th September 1862 ; secondly, the heirs of those entered in the aforesaid lists ; and thirdly, any persons inadvertently omitted from those lists whom the Governor General in Council may, by special order, declare to be admitted among this class of beneficiaries.

(ii) On the death of a pensioner one-third of the original amount of the stipend will invariably be resumed.

(iii) When, under the operation of rule (ii), the amount of pension inherited by one individual would be reduced to any sum below Rs. 5, commutation will be compulsory, according to the following scale :—

Value of a life-annuity of one rupee per annum.

<i>Age.</i>		<i>Value</i>	<i>Age.</i>		<i>Value.</i>	
Under 10 years	..	.. 13 Rs.	45 to 50 years	..	.. 9½ Rs.	<i>Cf.</i> G. G. O. (For. D.) no. 1648, dated 23rd Apr. 1863.
10 to 20	..	.. 12½ "	50 to 55	..	.. 9 "	
20 to 25	..	.. 12 "	55 to 60	..	.. 8 "	
25 to 30	..	.. 11½ "	60 to 65	..	.. 7 "	
30 to 35	..	.. 11 "	65 to 70	..	.. 6 "	
35 to 40	..	.. 10½ "	Above 70	..	.. 5 "	
40 to 45	..	.. 10 "				

Provided that commutation of pensions of minors will be deferred until they are of age.

**Note.*—For orders in regard to the pensions in the province of Agra other than those which are regulated by the Civil Service Regulations the Board's extant circulars should be seen.

(iv) The continuance of the two-thirds will not be claimable by the heirs as a right. It will be granted in whole, or in part, or not at all, according to the comparative poverty or affluence of the family concerned. In cases of misconduct on the part of the heirs it may be altogether withheld.

(v) Such amount as may be finally awarded to the heirs will remain entire in the name of one member of their body; the other heirs will receive their shares through him. It will be the duty of the treasury officer to take efficient measures for ascertaining from time to time that all the persons on whose account the head of the family is drawing money are still alive.

Cf. G. G. O. (For. D.) no. 191, dated 24th July 1882.

Note.—The Local Government may relax this rule whenever its strict observance may be considered inexpedient.

(vi) In deciding what persons may be recognized as heirs, the rule of inheritance obtaining by law in the particular family will be followed; but in fixing the amount, if any, which shall be assigned to these persons, proper regard will be had to the financial condition of each. Provision will not be made for those dependents of a deceased stipendiary who may be without any legal status, except in special cases of extreme distress. In such cases the Local Government may recommend to the Government of India a subsistence allowance of Rs. 5 per mensem, to be deducted from the amount available for distribution among legal heirs.

Cf. G. G. O. (For. D.) no. 160F., dated 22nd Apr. 1876.

(vii) Unmarried female pensioners will have the option of commuting their pensions on marriage for a sum equivalent to ten times the annual amount of their pensions, or of retaining them for life on the distinct understanding that no portions of the pensions will be continued to their heirs. In the case of female minors the exercise of this option will be deferred until they come of age, unless previous commutation be specially sanctioned.

Cf. G. O. no. 126, dated 14th Feb. 1884.

The Local Government is authorized in the case of all ordinary pensions enjoyed by females for life or until marriage to sanction to the pensioner on marriage a final payment not exceeding five years' purchase of the pension.

(viii) Should a pensioner die without issue, leaving a widow destitute, such widow may be admitted to a continuance for life of one-third of her deceased husband's pension, the rest of the pension lapsing to the State.

(ix) The claims of persons who, being heirs of deceased collateral relatives of the ex-King, may have had their cases already disposed of on different principles from those embodied in the present rules, are not admissible to a re-hearing under these rules; but the Commissioner of Lucknow is empowered to relax this prohibition, should any case of great misfortune be brought to his notice.

Cf. G. O. no. 73, dated 22nd Jan. 1879.

(x) On the death of a pensioner, the Local Administration is empowered to sanction the continuance of such portion of the lapsed stipend as may be available under the provisions of rule (iii) in all cases except those in which the total amount to be so continued exceeds Rs. 100 per mensem, when the case must be submitted for the sanction of the Government of India.

Cf. G. G. O. (For. D.) no. 159G, dated 19th Jan. 1910.

(xi) The Commissioners of Benares and Lucknow are empowered to sanction on the death of a pensioner of the ex-Royal family of Delhi or Oudh, as the case may be, the continuance of such portions of the lapsed

pensions as may be available for distribution under the rules in all cases in which the total amount to be continued does not exceed Rs. 25 a month.

716. Intiazi pensions are for life only. Claims to this class have all been decided and fresh claims have been barred since 1st July 1867.

Territorial and political pensions are chiefly those originally granted by the British Government on the annexation of the province. Some are perpetual and others only for a term of lives.

717. Miscellaneous political are the charitable political pensions.

718. The Commissioner of Lucknow is empowered to sanction, without reference to the Government, the continuance or distribution of perpetual political pensions on the death of the original pensioner. *Cf. G. O. no. 2, dated 2nd Jan. 1882.*

Chapter XXVIII.—Titles.

Cf. G. G. O. (For. D.) no. 3A., dated 30th May 1829.

719. Titles are conferred by the Governor General in Council on the native subjects of the British Government of India on the following grounds :—

1st.—Services during war or in times of public emergency.

2nd.—Meritorious conduct on the part of landholders in the interior in aiding the police, distinguished success in improving the agricultural system and the manufactures of the country, and the execution of important public works.

3rd.—Liberal contributions for the support and promotion of beneficial public undertakings and institutions.

720. Titles are not to be considered hereditary; but due attention will at all times be paid to claims which may be put forward by men of family to succeed to the rank enjoyed by their ancestors.

The authorities recommending the conferment of a title should advert carefully to the general character and circumstances of the candidate, so that the value of the distinction be not lowered in the public estimation by the admission of unworthy members of society to a participation in the honours and privileges of rank.

721. The titles conferred on the Muhammadan subjects of the British Empire in India are ordinarily those of *Khán Bahádúr* and *Nawáb*, with the style and epithets appropriate hereto. Those which belong to the Hindus are *Rao*, *Rája Bahádúr*, *Mahárája Bahádúr* and certain designations peculiar to the mercantile classes, such as *Sol*, *Seth*, &c., &c. Titles of the higher * grade are, generally speaking, reserved for the sovereigns of feudatory or dependent states, except in cases of extraordinary merits.

Cf. G. G. O. no. 33/IV/91—I, dated 9th March 1893.

Recommendations to be confidential.

722 Recommendations for conferment of titles on native gentlemen should always be made confidentially.

Cf. G. G. O. no. 399/I—22, dated 11th July 1889, and no. 519/IV—25, dated 25th June 1910.

723. A printed list of all persons holding hereditary or personal titles in the United Provinces is maintained in the Secretariat. The entries under each class are made in the official order of districts and are revised, as circumstances require, during the year, a new list being printed annually in January. Copies of the list will be supplied annually to all Commissioners, who should ascertain and report to the Government every fifth year (i.e. in the years 1915, 1920, and so on) any alterations which may be necessary as regards the title-holders of their divisions in column 8 of the return "Number of villages or area of land owned by holder in British India." Collectors will however be responsible for reporting individually in the meantime any particular large change.

Note.—The return includes the Ruling Chiefs of native states, but not subjects of such states, excepting those who may have received titles from the British Government.

Cf. G. G. O. no. 399/IV—22-295, dated 11th July 1889.

724. Manuals of titles for the United Provinces have also been compiled, and are revised from time to time.

Manual of Titles.

* These are Maharaja, Raja, Jam, Dhiraj, Raj Adhiraj, Raj Narindar, Nurgaideb, Mohan dar, &c., &c.

In the case of the grant of new titles, as soon as the notification conferring the title appears in the gazette, the district officer of the district in which the title-holder resides should submit to the Government, through the Commissioner, a statement giving all the particulars necessary for the entry of the name of the new title-holder on the list. In the column of remarks a brief history of the family should be given for insertion in the next edition of the manual of titles, as nearly as possible in the form adopted in the manual for title-holders of a similar class, reference being made to the gazetteer and settlement or other reports in which an account of the family may be contained.

The deaths of title-holders must be reported to the Government and if the title be hereditary, the necessary information must be given regarding the successor for entry of his name in the list of title-holders and manual of titles. As all title-holders are also darbaris, whose deaths under standing order are reported to the Government, a separate report of casualties among title-holders need not be submitted. (*Cf.* paragraph 696.)

Chapter XXIX.—Memorials from persons in the political charge of the Local Government.

Cf. G. G. O. (For. D.) no. 244 G, dated 29th Jan. 1910.

725. The following rules relate to the submission or withholding by Local Governments of petitions, memorials and other papers of the same class relating to matters affecting persons or places under their political charge, when such petitions or other papers are addressed (1) to the Government of India, or (2) to His Majesty the King-Emperor of India, or to the Right Honourable the Secretary of State for India.

726. Every memorial must be submitted to the Political Officer of the state, within whose jurisdiction the subject-matter has arisen, accompanied by a copy of the order appealed against and by a letter requesting its transmission to the authority to which it is addressed.

727. Memorials may be transmitted either in manuscript or in print, but must, with all accompanying documents, be properly authenticated by the signature of the memorialist on each sheet.

728. Subject to the exceptions hereinafter contained, every memorial received which conforms to the above rules, should be forwarded by the Political Officer through the usual official channel, with a concise statement of material facts, and unless there be special reasons to the contrary, an expression of opinion.

Cf. G. G. O. (For. D.) no. 1391 I.B., dated 14th July 1910.

Note.—All memorials whether addressed to the Government of India or to His Majesty's Secretary of State shall be accompanied by a brief summary of the facts when the correspondence does not already disclose them in a clear and connected shape.

729. Memorials, together with their accompanying documents, should be in English. If the accompanying documents must necessarily be forwarded in the vernacular, an English translation should be appended, which should be attested by the signature of the memorialist on each sheet.

Note.—The transmitting officer should examine such translations and, if they are found to be incorrect or faulty, notice the fact in sending on the memorial.

730. Every memorial should be accompanied by copies of all the orders passed in the case by the authorities who have dealt with it in India.

731. Local Governments are vested with discretionary power to withhold memorials in the following cases :—

- (1) When the memorial is illegible or unintelligible.
- (2) When the memorial contains language which, in the opinion of the authority who would otherwise forward it, is disloyal, disrespectful or improper.
- (3) When a previous petition of the memorialist (which term includes a rejoinder submitted by the memorialist in answer to a previous petition of some other party) has been disposed of by (1) the Secretary of State or (2) the Governor General in Council, and the petition discloses no new facts or circumstances which afford grounds for a reconsideration of the case.

(4) (*Memorials to the Government of India only*).—When the memorial relates to a matter which is within the competence of the Local Government to dispose of, and no application has previously been made to the Local Government for redress.

(*Memorials to His Majesty or the Secretary of State only*).—When the memorialist has not previously appealed to the Government of India and received the decision of the Governor General in Council upon it.

(5) When the memorial is an appeal preferred more than six months after the date on which the memorialist was informed of the orders against which he appeals, provided that the Local Government may, at their discretion, extend the period to twelve months, if the delay will facilitate a settlement of the dispute, or other good cause is shown.

(6) When the memorial refers to matters in which the memorialist is not personally interested.

732. Provided they do not contravene the conditions specified in the preceding rule, memorials which are appeals against orders passed by (1) Local Governments or, (2) by the Governor General in Council in the exercise

of political control in territories not included in British India, shall be forwarded, except in the following cases in which a discretionary power to withhold the memorials may be exercised:—

* (1) When the order appealed against has been passed by (1) the Local Government or (2) the Government of India as a recognized court of appeal in regard to a judgment or order of any court of civil or criminal jurisdiction established or continued by the Governor General in Council in such territories.

(2) When the order appealed against is a mere refusal to exercise political control in regard to a judgment or order of any special court established by the Governor General in Council in such territories, from which court there is by its constitution no appeal, though a general political control over it is declared or understood to exist.

(3) When the order appealed against is a mere refusal to interfere in a matter of purely internal policy with the action or orders of the ruler of a native state, of which the memorialist is a subject: provided that the state is one in which it is not customary for the British Government to intervene in matters of internal policy, and that the matter complained of does not disclose a state of misrule so gross that the Paramount Power would be called upon to interfere.

N.B.—This rule applies to a temporary administration established in a native state by the Governor General in Council when the temporary administration is appointed to exercise the same powers and occupy the same position as the native administration which it supersedes.

733. Memorials from persons † in such territories which are not covered by these rules may be treated under the memorial rules of the Home department when they are applicable.

* *Note*.—Memorials which are practically appeals for mercy or pardon must be transmitted. But their transmission will not affect the discretion in regard to capital sentences allowed to Local Governments.

† E.g. petitions from government servants about dismissal, pensions, &c.

160 MEMORIALS FROM PERSONS IN THE POLITICAL CHARGE OF THE
 LOCAL GOVERNMENT.

734. Lists of memorials to the Secretary of State and of petitions to the Government of India withheld under the discretionary powers conferred by the above rules will be forwarded quarterly to the Government of India in the Foreign department.

735. When a petition or memorial is withheld, the writer should be informed of the fact and the reason for withholding it.

Chapter XXX.—Miscellaneous.

736. The following procedure should be observed in the matter of proposing the health of the King-Emperor. His Majesty the King-Emperor on ceremonial or state occasions when His Excellency the Viceroy is present :—

- (a) When the Viceroy is the guest of a Ruling Chief, the Ruling Chief will propose the King's health.
- (b) When the Viceroy is staying at a Government House, and the occasion is in the nature of a state banquet, the Viceroy will propose the King's health, but on other occasions the Head of the Local Government will propose it.
- (c) When the Viceroy is staying in a residency of the Political department, the Viceroy will propose the King's health.

Cf. G. G. O. (For. D.) no. 7771.B., dated 26th Apr. 1910.

737. A junior military officer on first appointment to the Political department, will, as a general rule, be attached to a district in the United Provinces of Agra and Oudh for a period of not less than eighteen months, to undergo a course of training in revenue and judicial work similar to that prescribed for assistant collectors in that province, and to acquire proficiency in Urdu. During this period he will be required to pass a departmental test, which will be identical with that prescribed for members of the Indian Civil Service in the United Provinces, except that (1) the use of books will be allowed in all subjects, except in Urdu, and (2) probationers will not be expected to pass the local examination in Hindi. Particular importance will be attached to a probationer's ability to speak Urdu fluently and in a manner befitting the occasion.

Cf. G. G. O. (For. D.) no. 3103—Est.-A., dated 6th Oct. 1910.

Should an officer fail to pass the departmental examination within the period of his training, he will ordinarily revert to military duty.

Rules regarding the grant of certain medals.

738. Information regarding the following order and medals will be found in the *United Provinces Gazette* or the *Gazette of India* :—

Name.	Number and date of notification or resolution.	Published in—
Civil division of the Indian Order of Merit	No. 2528 of 2nd July 1903	The <i>United Provinces Gazette</i> , dated 11th July 1903.
Kaisar-i-Hind medal .. {	No. 1257 of 11th May 1900	The <i>United Provinces Gazette</i> , dated the 26th May 1900.
	No. 5014 of 30th August 1901.	The <i>United Provinces Gazette</i> , dated 7th September 1901.
King Edward medal .. {	No. 10724-246 of 18th December 1907.	The <i>United Provinces Gazette</i> , dated the 4th January 1908.
	No. 1605/1626—31 of 3rd March 1910.	The <i>United Provinces Gazette</i> , dated 26th March 1910.
King's Police medal ..	No. 904 of 30th September 1909.	<i>Gazette of India</i> , dated 2nd October 1909.

Cf. G. O. no. 310/IV—46, dated 14th June 1889, and G. O. (H. D.) no. 1212 and 1324, and (For. D.) no. 963G. B, dated 2nd March 1901, 2nd May 1902, and 16th May 1905.

739. District officers are directed to submit to the Government through the Commissioner a special report on the death of any member of (a) the Order of the Star of India, (b) the Order of the Indian Empire, and (c) the Imperial Order of the Crown of India, and of any holder of the Kaisar-i-Hind medal, for transmission to the Government of India or in the case of (a) and (b) to the Secretary of the Order.

Any casualty by death amongst individuals admitted to the civil division of the Indian Order of Merit should be similarly reported.

Cf. G. O. no. 783/IV—197, dated 17th Aug. 1909.

740. When Nepalese subjects, whose heirs are in Nepal, die in the United Provinces, any officer wishing to dispose of their estate should send to the Resident of Nepal information showing the value of the estate in full and *at the same time* giving in detail the name and place of residence of the person nominated by the deceased as heir and also of any other person to whom the estate may be paid in the event of the nominated heir being untraceable or dead. The Darbar will arrange to make over the estate to the nominated heir, or, failing him, to the next legal heir. The payee's receipt will then be forwarded by the Resident to the officer from whom the report issued, or, in the event of the heir or other authorized payee not being forthcoming, the value of the estate will be returned.

Cf. G. O. 40/IV—712, dated 16th June 1891.

741. Commissioners will submit to the Government, annually, soon after the 1st January, a return in the prescribed form showing the names of all Afghan refugees residing in the districts of their divisions and drawing allowances from the Government. Afghan refugees should be excluded from the half-yearly returns of political detenus and state prisoners.

Cf. G. O. no. 389/IV—40, dated 24th July 1888.

742. Under the provisions of section 7 of the Act for the Naturalization of Aliens, 1852, the Local Government has directed that a fee of seventy-five rupees shall be levied in the case of certificates of naturalization of aliens as British subjects granted by this Government.

G. O. no. 124/IV—21, dated 3rd Feb. 1911.

743. The Government of India have decided not to place any obstacle for the present in the way of the purchase by Ruling Chiefs and other respectable persons of flying machines in reasonable numbers. All that they require is that particulars of such transactions should be reported, so that there may be a record of the number and class of flying machines existing in India.

When any such transaction is concluded a report should be submitted to the Government showing :—

- (1) the name and residence of the purchaser ;
- (2) the description of the machine, its carrying capacity, distinguishing marks and other particulars.

V.
Medical Department.

Blank.

See Medical Manual.

VI.
Judicial (Criminal) Department.

VI.—JUDICIAL (CRIMINAL) DEPARTMENT.

Contents.

CHAPTER.	PARAGRAPHS.
XXXI.—Jurisdiction—	
Sessions divisions.. ..	801—802
Divisions of districts	803
XXXII.—Magisterial powers	804—805
XXXIII.—Honorary (or special) magistrates	809—814
XXXIV.—Procedure for the prosecution and trial of certain persons and certain classes of cases—	
Cases in which soldiers are concerned	815—831
„ „ public officers „	832—833
„ „ police officers „	834—835
Other cases	836—842
XXXV.—Orders regarding the investigation of complaints and charges—	
Cases in which soldiers are concerned	843—845
Miscellaneous orders	846—850
XXXVI.—Confessions and dying declarations	851—857
XXXVII.— <i>Post-mortem</i> examinations and references to the Chemical Examiner—	
<i>Post-mortem</i> examinations	858—867
Transmission of substances for analysis to the Chemical Examiner	868—886
XXXVIII.—Public prosecutors	887—891
XXXIX.—Jurors, assessors and witnesses.. ..	892—905
XL.—Delays in case work.. ..	906—907
XLI.—Under-trial prisoners.. ..	908—917
XLII.—Punishments—	
Fines	918—919
First offenders	920
Whipping	921—925
Simple imprisonment	926—927
Habitual criminals	928—929
Solitary confinement	930
Miscellaneous	931—938
XLIII.—Applications and appeals to the High Court—	
Applications for bail	939
Applications for transfer of criminal cases	940
Appeals and applications for revision	941—948
XLIV.—Administration of jails	949—962

CHAPTER.	PARAGRAPHS.
XLIV.—Conditional release of convicts—	
Remission rules .. .. .	.. 963—964
Surveillance of convicts conditionally released ..	.. 965—987
Transmarine convicts .. .. .	.. 988—990
XLVI.—Capital punishment.. .. .	.. 991—993
XLVII.—Absconded and fugitive offenders—	
Arrest of offenders at Aden .. .. .	.. 994
Fugitive offenders .. .. .	.. 995—998
Attached property of absconded offenders ..	.. 999
XLVIII.—Extradition—	
From British territory to native states ..	.. 1000—1003
From native states to British territory (general) ..	.. 1009
Nepal .. .. .	.. 1010—1018
Mysore .. .. .	.. 1019
Native states in the Punjab .. .. .	.. 1020
French possessions in India .. .. .	.. 1021
XLIX.—Eunuchs, criminal tribes and foreign vagrants—	
Eunuchs .. .. .	.. 1022—1031
Criminal tribes .. .. .	.. 1032
Wandering tribes of foreign Asiatic vagrants ..	.. 1033—1036
L.—Lunatic asylums and lunatics—	
General .. .. .	.. 1037—1055
Criminal lunatics.. .. .	.. 1056—1060
European lunatics .. .. .	.. 1061—1064
LI.—Poisons Act and rules—	
General .. .. .	.. 1065—1066
Rules regarding white arsenic, aconite and certain other poisons .. .. .	.. 1067—1082
Rules regarding sulphides of arsenic, and certain other poisons .. .. .	.. 1083—1098
LII.—Village headmen .. .. .	.. 1099—1107
LIII.—Retention and destruction of records ..	.. 1108—1113
LIV.—Miscellaneous orders .. .. .	.. 1114—1138

VI.—JUDICIAL (CRIMINAL) DEPARTMENT.

Chapter XXXI.—Jurisdiction.

A.—Sessions divisions.

801. The sessions divisions in the United Provinces consist of the districts shown below :—

<i>Sessions division.</i>	<i>Districts.</i>	<i>Sessions division.</i>	<i>Districts.</i>
Saharanpur ..	Dehra, Saharanpur.	* Banda ..	Banda, Hamirpur.
Meerut ..	Meerut, Muzaffarnagar.	Allahabad ..	Allahabad.
Aligarh ..	Aligarh, Etah, Bulandshahr.	Jaunpur ..	Jaunpur.
Kumaun ..	Almora, Garhwal, Naini Tal.	Gorakhpur ..	Gorakhpur, Basti.
Moradabad ..	Moradabad, Bijnor, Budaun.	Azamgarh ..	Azamgarh.
Bareilly ..	Bareilly, Pilibhit.	Mirzapur ..	Mirzapur.
Shahjahanpur ..	Shahjahanpur.	Benares ..	Benares.
Agra ..	Muttra, Agra.	Ghazipur ..	Ghazipur, Ballia.
Farrukhabad ..	Farrukhabad.	Lucknow ..	Lucknow, Bara Banki.
Mainpuri ..	Mainpuri, Etawah.	Hardoi ..	Hardoi, Unao.
Jhansi ..	Jhansi, Jalaun.	Sitapur ..	Sitapur, Kheri.
Cawnpore ..	Cawnpore, Fatehpur.	Gonda ..	Bahraich, Gonda.
		Fyzabad ..	Fyzabad, Sultanpur.
		Rae Barli ..	Rae Bareilly, Partabgarh.

Of. G. O. no. 490 & 723/VI—693C, dated 25th Feb. 1896 and 24th Feb. 1905, no. 535/I—549A, dated 20th March 1891, and no. 2349/VI—19B—919, dated 19th May 1894.

802. Each Sessions Judge in the group of judgeships appended is appointed an additional Sessions Judge in the court of the other Sessions Judge for the purposes of hearing emergent applications for bail and issuing warrants under section 381 of the Code of Criminal Procedure during the temporary absence, or temporary incapacity from illness, of such Sessions Judge.

Of. G. O. no. 3708 and 437/VI—65C, dated 13th Oct. 1894 and 12th Feb. 1895.

{ Saharanpur.	{ Farrukhabad.	{ Azamgarh.	
{ Meerut.	{ Cawnpore.	{ Benares.	{ Sitapur.
{ Agra.	{ Banda.	{ Gorakhpur.	{ Hardoi.
{ Mainpuri.	{ Jhansi.	{ Jaunpur.	{ Fyzabad.
{ Bareilly.	{ Ghazipur.	{ Lucknow.	{ Gonda.
{ Shahjahanpur.	{ Mirzapur.	{ Rae Barli.	

B.—Divisions of districts.

803. Under section 8 (1) of the Code of Criminal Procedure, 1898, and under section 11 (2) of the United Provinces Land Revenue Act, 1901, the districts of the province have been divided into the following sub-divisions :—

Of. G. O. no. 436/II—654, dated 7th Feb. 1911.

<i>District.</i>	<i>Sub-divisions.</i>	<i>District.</i>	<i>Sub-divisions.</i>
Dehra	Jaunsar Bawar. Mussooree municipality with the villages of Binhar, Dhulani Koti, Misras Patti, Bakarna, Rikholi, Bhitari, Kiarkuli, Bhatta, Domgaon, Jharipani, and Makreti in the Western Dun, and Chamansari, Karwan, Karanpur, Nali Kalan, Nali Khurd, Majhara, Kalrigadh, Bhatber, and Bagda Dhoran in the Eastern Dun. Dehra tahsil (remainder).	Saharanpur ..	Saharanpur tahsil. Deoband tahsil. Nakur tahsil. Rurki tahsil.
		Muzaffarnagar	Kairana tahsil. Jansath tahsil. Budhana tahsil. Muzaffarnagar tahsil.
		Meerut ..	Meerut city, i.e. the Meerut municipal area, for criminal work only.

* *Note.*—The Sessions Judge of Banda is also joint Sessions Judge of Cawnpore with power to hear sessions trials from Fatehpur.

Of. G. O. no. 371/VI—352B, dated 27th Jan. 1905

<i>District.</i>	<i>Sub-divisions.</i>	<i>District.</i>	<i>Sub-divisions.</i>
Meerut— <i>concd.</i>	Meerut tahsil (remainder). Ghaziabad tahsil. Mawana tahsil. Baghpat tahsil. Sardhana tahsil. Hapur tahsil.	Budaun ..	Gunnaur tahsil. Bisauli tahsil. Sahaswan tahsil. Budaun tahsil (requires two officers). Dataganj tahsil.
Bulandshahr	Anupshahr tahsil. Bulandshahr tahsil. Sikandrabad tahsil. Khurja tahsil.	Moradabad ..	Moradabad Kotwali police circle, for criminal work only. Moradabad tahsil (remainder). Thakurdwara tahsil. Sambhal tahsil. Bilari tahsil. Amroha tahsil. Hasanpur tahsil.
Aligarh ..	Sikandra Rao tahsil. Hathras tahsil. Iglas and Khair tahsils. Aligarh tahsil. Atrauli tahsil.	Shahjahanpur	Jalalabad tahsil. Pawayan tahsil. Shahjahanpur tahsil (requires two officers). Tilhar tahsil.
Muttra ..	Muttra tahsil. Chhata and Mat tahsils. Mahaban and Sadabad tahsils	Pilibhit ..	Bisalpur tahsil. Pilibhit and Puranpur tahsils.
Agra ..	Itmadpur and Firozabad tahsils. Bah and Fatehabad tahsils. Agra city, i.e. the area of the Agra municipality, for criminal work only. Sadr tahsil (remainder). Kharagarh and Kiraoli tahsils.	Cawnpore ..	Cawnpore city, i.e. the area of the Cawnpore municipality, for criminal work only. Cawnpore (remainder) and Sheorajpur tahsils. Bilhaur and Derapur tahsils. Akbarpur and Bhognipur tahsils. Ghatampur and Narwal tahsils.
Farrukhabad	Kanauj and Tirwa tahsils. Kamganj and Aligarh tahsils. Chhibramau tahsil. Sadr tahsil.	Fatehpur ..	Fatehpur tahsil. Khajua tahsil. Ghazipur tahsil. Khaga tahsil.
Mainpuri ..	Bhongaon tahsil. Karhal and Shikohabad tahsils. Mainpuri and Mustafabad tahsils.	Banda ..	Paulani and Banda tahsils. Girwan, Badausa and Baberu tahsils. Karwi tahsil. Mau and Kamasin tahsils.
Etawah ..	Etawah tahsil. Bharthana and Bidhuna tahsils. Auraya tahsil.	Hamirpur ..	Kulpahar and Mahoba tahsils. Maudha and Rath tahsils. Hamirpur tahsil.
Etah ..	Kasganj tahsil (requires two officers). Etah tahsil. Jalesar tahsil. Aliganj tahsil.	Allahabad ..	Allahabad city, i.e. the Allahabad municipal area, for criminal work only. Chail tahsil (remainder). Meja, Bara and Karchhana tahsils. Soraon tahsil. Phulpur tahsil. Handia tahsil. Sirathu and Manjhanpur tahsils.
Bareilly ..	Bareilly tahsil. Faridpur tahsil. Nawabganj tahsil. Aonla tahsil. Baheri and Mirganj tahsils.		
Bijnor ..	Bijnor tahsil. Dhampur tahsil. Nagina tahsil. Najibabad tahsil.		

<i>District.</i>	<i>Sub-divisions.</i>	<i>District.</i>	<i>Sub-divisions.</i>
Jhansi ..	{ Jhansi and Moth tahsils. Mau and Garotha tahsils. Lahampur and Mahroni tahsils.	Garhwal ..	{ Ganga, Malla and Talla Salan and Chandkot parganas. Barahsyun pargana, pattis Dhaipuli, Choprakot and Chauthan of Chandpur pargana and all pargana Dewalgarh except patti Ranigarh. The rest of the district.
Jalaun ..	{ Kalpi and Jalaun tahsils. Orai and Kunch tahsils.	Lucknow ..	{ Lucknow city, i.e. the Lucknow municipal area, for criminal work only. Lucknow tahsil (remainder). Mahababad tahsil. Mohanalganj tahsil.
Benares ..	{ Benares city, i.e. the Benares municipal area. Benares tahsil (requires two officers). Chandauli tahsil (requires two officers).	Unao ..	{ Unao tahsil. Safipur tahsil. Purwa tahsil. Mohan tahsil.
Mirzapur ..	{ Mirzapur city, for criminal work only. Mirzapur tahsil (remainder). Chunar, Robertsganj and Dudhi tahsils.	Rae Bareli ..	{ Rae Bareli tahsil. Maharajganj tahsil. Dalmau and Salon tahsils.
Jaunpur ..	{ Kurakat and Mariahu tahsils. Khutahan tahsil. Jaunpur tahsil. Machhlshahr tahsil.	Sitapur ..	{ Sitapur tahsil. Misrikh tahsil. Sidhauli tahsil. Biswan tahsil.
Ghazipur ..	{ Ghazipur tahsil. Muhammadabad tahsil. Saidpur tahsil. Zamania tahsil.	Hardoi ..	{ Hardoi tahsil. Shahabad tahsil. Sandila tahsil. Bilgram tahsil.
Ballia ..	{ Bansdih tahsil. Ballia tahsil. Rasra tahsil.	Kheri ..	{ Muhamdi tahsil. Nighasan tahsil. Lakhimpur tahsil.
Gorakhpur ..	{ Mahrajanj tahsil. Padrauna tahsil. Gorakhpur sadr tahsil (requires two officers). Bansgaon tahsil. Deoria tahsil. Hata tahsil (requires two officers).	Fyzabad ..	{ Bikapur tahsil. Fyzabad tahsil. Akbarpur tahsil. Tanda tahsil.
Basti ..	{ Harraiya tahsil. Bansi tahsil. Domariaganj tahsil. Basti tahsil (requires two officers). Khalilabad tahsil.	Gonda ..	{ Gonda tahsil. Tarabganj tahsil. Utraula tahsil (requires two officers.)
Azamgarh ...	{ Azamgarh tahsil. Muhammadabad tahsil. Sagri tahsil. Ghosi tahsil. Mahul tahsil. Deogaon tahsil.	Bahraich ..	{ Bahraich tahsil. Kaisarganj tahsil. Nanpara tahsil.
Naini Tal ...	{ Kashipur tahsil. The Tarai and Bhabar tahsils. The hill pattis of the district.	Sultanpur ..	{ Sultanpur tahsil. Amethi and Musafirkhana tahsil. Kadipur tahsil.
Almora ..	{ Pali Pachhaun and Phaldakot parganas. Baramandal and Chau- garkha parganas. The rest of the district.	Partabgarh ..	{ Partabgarh tahsil. Kunda tahsil. Patti tahsil.
		Bara Banki ..	{ Ramsanehighat tahsil. Haidargarh tahsil. Nawabganj tahsil. Fatehpur tahsil.

In addition to above each cantonment area (except Chakrata cantonment) shall be a separate sub-division for magisterial work.

Chapter XXXII.—Magisterial powers.

804. The following powers have been conferred:—

Section.	Officers.	Powers.
Section 12, Code of Criminal Procedure.	District Magistrates ..	To distribute business among their subordinates by localities ⁽¹⁾ .
Section 13 <i>ibid.</i> ..	"	To place in charge of sub-divisions magistrates of the 1st and 2nd class ⁽²⁾ .
Section 528 <i>ibid.</i> ..	"	To withdraw from the magistrates subordinate to them, whether in charge of sub-divisions or not, such classes of cases as they think proper ⁽³⁾ .
Section 30 <i>ibid.</i> ..	Deputy Commissioners of Almora, Naini Tal and Garhwal:	To try as a magistrate all offences not punishable with death ⁽³⁾ .
Section 445A of Act VIII of 1869.	Deputy Commissioners in Oudh.	To try as a magistrate all offences, not punishable with death, mentioned in the section ⁽⁴⁾ .
Section 37, Code of Criminal Procedure.	Joint magistrates and officiating joint magistrates of over five years' service	To hear appeals from convictions by magistrates of the second and third classes ⁽⁵⁾ .
Ditto ..	City Magistrate, Lucknow ..	Ditto ⁽⁶⁾
Ditto ..	Sub-divisional magistrates in charge of the Deoria, Kasia, Karwi, Lalitpur, Mahoba and Roorkee sub-divisions.	Ditto: also to call for records ⁽⁷⁾ .
Ditto ..	Magistrates of the first class in charge of sub-divisions.	To exercise the powers described in section 110 of the Code within the limits of their districts ⁽⁸⁾ .
Ditto ..	Magistrates who have exercised first class powers for not less than two years.	Ditto.
Section 8 (2), Reformatory Schools Act, 1897.	Magistrates of the first class specially empowered to try summarily.	The powers conferred by section 8 (1) of the Reformatory Schools Act ⁽⁹⁾ .
Section 37, Code of Criminal Procedure.	Magistrates of the 1st class..	To entertain cases without complaint (section 190).
		To issue process for a person within jurisdiction who has committed an offence outside the magistrate's local jurisdiction (section 186).
		To sell suspicious or stolen property (section 524).
		To make orders, &c., in local nuisance cases (section 133). ⁽¹⁰⁾
		To require security for good behaviour under section 108 of the Act ⁽¹¹⁾ .
		To try offences against section 124A of the Penal Code.
		To try offences specified in the section ⁽¹²⁾ .
Ditto ..	Magistrates of the 1st class who are officiating, or have officiated, as joint magistrates.	
Section 70, Canal and Drainage Act, 1873.	Magistrates of the 1st and 2nd class.	

Note.—Vide G. O. ⁽¹⁾ no. 1150A, dated 21st July 1872: ⁽²⁾ no. 907A., dated 8th June 1874: ⁽³⁾ no. 3171-VI-16B-441, dated the 23rd November 1891: ⁽⁴⁾ no. 2203, dated 31st May 1869: ⁽⁵⁾ no. 3339-VI-55D, dated the 14th November 1907: ⁽⁶⁾ no. 602, dated 9th May 1879: ⁽⁷⁾ no. 3338-VI-55D., dated 14th November 1907: ⁽⁸⁾ no. 1924-VI-372, dated 29th June 1908: ⁽⁹⁾ no. 1636-VI-40B., dated 18th June 1897: ⁽¹⁰⁾ no. 1139A., dated 19th July 1873: ⁽¹¹⁾ no. 2930-VI-55D, dated 5th October 1898: ⁽¹²⁾ no. 3339-VI-55D, dated 13th January 1905.

Section.	Officers.	Powers.
Section 37, Code of Criminal Procedure.	Cantonment magistrates of the first class.	The powers described in sections 110 and 174 of the Code (13).
Sections 12 and 39, <i>ibid.</i>	Cantonment Magistrates not already invested with magisterial powers.	Of a magistrate of the 3rd class (14).
Section 37, <i>ibid.</i> ..	Tahsildars <i>ex-officio</i> ..	Ditto. (15)
Ditto ..	Tahsildars exercising 3rd class powers.	To take cognizance of offences (1) upon complaint and (2) upon police reports (section 190). (16).

805. (1) Powers of a magistrate of the 2nd class are not conferred on a magistrate until he has passed the departmental examination by the lower standard, and has exercised the powers of a magistrate of the third class for six months.

Cf. G. O. no. 562/VI—213, dated 10th March 1893.

(2) Powers of a magistrate of the first class are not ordinarily conferred on a magistrate until he has passed the departmental examination by the higher standard, and has exercised the powers of a magistrate of the 2nd class for a year provided that a Commissioner may refer to the Government any case in which he is of opinion that powers of a magistrate of the first class may for special reasons (to be recorded) be given to a magistrate who has passed the departmental examination by the higher standard, but has exercised powers of a magistrate of the second class for less than one year.

Note 1.—The mere passing by members of the Indian Civil Service of the prescribed departmental standards of examination does not establish a title to higher pay, nor shall such higher pay be granted until the investiture with higher powers takes place; and no officer shall be entitled to a higher rate of pay by reason of exercising higher powers, unless he has passed in all the subjects of examination by the higher or lower standard, as the case may be.

Cf. G. G. O. (H. D.) no. 379, dated 2nd Jan. 1871, and no. 2990, dated 17th June 1871.

Note 2.—The idea that it is only necessary for members of the Indian Civil Service to pass in judicial, police, and vernacular by the lower standard in order to get second class powers, is erroneous. The Lieutenant-Governor will, however, be prepared in exceptional cases to grant second class powers to an officer who has not passed in all subjects by the lower standard, but has passed in judicial and vernacular by the higher standard, if the Commissioner specially recommends this. No other exception will be made.

Cf. G. O. no. 2756/VI—213B., dated 2nd Sept. 1905.

Note 3.—Under the orders of the Government of India, the powers of a magistrate of the second class must be exercised for six months before the grant of 1st class powers: but the Local Government may permit a departure from the rule in exceptional circumstances and may sanction the grant of higher magisterial powers, promotions and increase of pay in such cases.

Cf. G. G. O. no. 404, dated 3rd Dec. 1910.

806. All applications for the investiture of tahsildars with criminal powers above the 3rd class should be presented to the Government through the Board of Revenue.

Cf. G. O. no. 1095/16B—433, dated 17th June 1891.

807. Officers are only empowered by name under section 260 (b) of the Code of Criminal Procedure. In the case of members of the Indian Civil Service, Commissioners should report, one year after such officers have been invested with first class magisterial powers, whether or not they

Cf. G. O. no. 654/VI—141B, dated 13th March 1899.

Note.—Vide G. O. (13) no. 1165-VI-652C, dated 4th May 1904; (14) no. 3811-VI-182, dated 28th November 1910; (15) no. 1645-VI-16B-1139, dated 23rd May 1902; and (16) no. 2777-VI-85D-6, dated 14th September 1904.

are qualified, to exercise summary powers ; if they are not qualified, the Commissioner should afterwards report them for conferment of the powers when they shall have become fit to exercise them. In the case of other officers the question of conferring on them powers to try summarily will not ordinarily be considered until they have exercised full powers for at least five years.

Cf. G. O. no. 216/
224/VI—141D., da-
ted 20th Jan. 1905.

Cf. G. O. no. 1644/
VI—55D., dated
29th May 1908.

Note.—No application for the grant of summary powers to any officer should be forwarded until the Sessions Judge has been consulted and his opinion noted.

808. Whenever a deputy collector is considered fit to hear appeals from convictions by magistrates of the 2nd and 3rd classes, a recommendation may be submitted to the Government that the powers be conferred on him.

Deputy collectors may
be empowered to hear
appeals.

Chapter XXXIII.—Honorary (or special) magistrates.

809. Ordinarily honorary magistrates exercising jurisdiction within a municipality should be selected from the members of the municipal board.

Cf. G. O. no. 2767/VI—5B-137, dated 19th Sept. 1896.

Honorary magistrates in municipalities.

810. All special magistrates, appointed under section 14, Criminal Procedure Code, 1898, shall, in the absence of any special order to the contrary, hold their appointments for a term of five years.

Cf. G. O. no. 2875/VI—570, dated 15th Sept. 1909.

Term of appointment.

District Magistrates, when making recommendations for the appointment of the great landlords as honorary magistrates, may propose that they should be exempted from the operation of the above rule, and should hold office for life.

Cf. G. O. no. 1290/VI—55D, dated 12th May 1898.

Note.—A list should be maintained in each district office showing the date of appointment, and date of termination of appointment, of each special magistrate, so that timely application may be made to the Government as required by the circumstances of the case.

811. Special recommendations should be submitted, when cause arises, for the appointment as honorary magistrates, sitting singly, of important landlords in rural tracts. In municipal towns honorary magistrates will not, as a rule, be appointed with power of sitting singly.

Cf. G. O. no. 2844/VI—5B-149, dated 22nd Sept. 1899.

Power to sit singly.

812. The powers with which honorary magistrates are usually invested are as follows:—

Powers of benches of honorary magistrates.

Cf. G. O. no. 2223/VI—336, dated 10th Dec. 1885.

(a) in the more important towns the benches in their corporate capacity exercise the powers of a magistrate of the second class;

(b) they may also be invested with authority to take direct cognizance upon complaint or police report of the offences specified in section 261 (b) of the Code of Criminal Procedure;

(c) selected honorary magistrates may be invested with the powers of a magistrate of the first class for the disposal, when sitting as benches, of cases under chapter X of the Code (public nuisances) and chapter XXXVI (maintenance of wives and children).

813. On the occurrence of the death of any honorary magistrate in a district, the fact should at once be reported by the District Magistrate for the information of the Government.

Report of the death of honorary magistrates.

Cf. G. O. no. 359/VI—5B, dated 1st Oct. 1889.

Of. G. O. no. 10844, dated 19th Aug. 1875.

314. The following rules for the conduct * of business by benches of honorary magistrates are recommended by the Government for general adoption :—

Rules for the guidance of benches.

(N.B.—The issue of such rules is left to the Magistrates concerned under section 16 of the Criminal Procedure Code.)

1. The bench is authorized to try such cases or classes of cases as the Magistrate of the district may by special or general order from time to time direct.

2. The bench shall sit on the days hereunder appointed at a. m. It shall not consist of more than three members, and two of these shall form a quorum. The sittings shall be held in the municipal office or other public office appointed.

3. The bench may hold one or more adjourned sittings, if this be found necessary, for the disposal of business or of part-heard cases: provided that if any case is adjourned, and the members at the adjourned sessions are not the same as sat at the first hearing of the case, the provisions of section 350 of the Criminal Procedure Code will be held to apply to the case.

4. The chairman of the bench for the time being shall be the magistrate of highest powers present at the sitting. Where all present are of equal powers, the magistrate of oldest standing shall be the chairman, provided always that it shall be in the discretion of the Magistrate of the district to appoint the chairman for each time of sitting, or generally.

5. The chairman shall conduct the proceedings of the court and shall exercise all the functions in that behalf usually exercised by a magistrate when sitting alone. He shall decide upon the admissibility of evidence and maintain order in the court; but it shall be open to any member of the bench to put any question to the parties or witnesses, either direct or through the chairman, as the latter may deem advisable, and to suggest any matter for the chairman's consideration.

6. Any recording of evidence, issuing of process, or other function exercisable by the chairman may, with his consent, be exercised by any one of his colleagues.

7. Each member of the bench shall have a voice in the finding and sentence, which shall be signed by the chairman and by the members present.

In regard to the finding, when the number of members is uneven, the opinion of the majority shall prevail; when the number is even and the members are equally divided, the accused shall get the benefit of the doubt.

In regard to the sentence, the opinion of the majority shall prevail; when the members are equally divided, the chairman shall have the casting vote; when the opinions of members are all different (as in a full bench or three members), the opinion of the chairman shall prevail.

* *Note.*—A vernacular clerk will be sanctioned for the court of every honorary magistrate or bench of honorary magistrates, but if any honorary magistrate is reported to have disposed of an insufficient number of cases (that is, less than one hundred) during a year, his clerk will, unless special reasons exist to the contrary, be removed. The clerk will be entertained as soon after an honorary magistrate's appointment as financial provision can be made. The clerk's pay will be fixed with reference to the amount of work: it will not be less than Rs. 10, nor more than Rs. 20.

Establishments of honorary magistrates.

Of. G. O. no. 5380/X—284, dated 14th Nov. 1893, and no. 357/VI—281, dated 15th Feb. 1911.

In addition to a clerk, a reader on Rs. 30 a month is sanctioned for the benches at Agra, Lucknow, Benares and Cawnpore: a reader on Rs. 25 per mensem for the city bench at Allahabad and a reader on Rs. 20 per mensem for the civil lines bench at Allahabad.

Appointments to the court of an honorary magistrate or bench of magistrates should be made, as a rule, from the permanent district staff.

The Commissioner should at the end of each calendar year report to the Government any cases in which the amount of work done by an honorary magistrate or bench is insufficient to warrant the continuance of the sanctioned establishment.

When a person already on the permanent district staff is transferred by the District Magistrate to fill a sanctioned post of vernacular clerk or reader in the court of an honorary magistrate or bench, his past service will not be vitiated, and his service under the honorary magistrate or bench will be considered qualifying. If, however, a person who has no substantive pensionable post is entertained in the court of an honorary magistrate or bench, his service will be considered temporary, and will not confer any title to pension under these orders.

Of. G. O. no. 2221/X—317, dated 4th May 1898, and no. 4620—X—417, dated 20th Sept. 1896.

8. No bench shall take cognizance of any offence committed by any European British subject or government official. Any such case shall be forwarded to the magistrate for disposal.

Note.—Rule 8 above forbids benches of honorary magistrates to take cognizance of any offence committed by any European British subject or government official; but there is no order which debars the Magistrates from transferring such cases to benches of honorary magistrates for trial. District Magistrates however, should, before exercising this power, carefully consider the circumstances of any such case, especially where police officers and policemen are concerned.

*Cf. G. O. no. 2245/
VI—860, dated 12th
Nov. 1886.*

Chapter XXXIV.—Procedure for the prosecution and trial of certain persons and certain classes of cases.

A.—*Cases in which soldiers are concerned.

I.—General.

Cf. G. O. no. 37,
dated 16th July
1880.

815. All charges against soldiers, British or native, should, subject to the provisions of section 549 of the Code of Criminal Procedure and the rules made thereunder (vide paragraph 818—822), be laid in the court of the District Magistrate, who will either try the case himself or make it over to be tried by a selected subordinate not below the rank of a Magistrate of the 1st class.

Cf. G. O. no. 824/
VI—414, dated 8th
Apr. 1911.

816. In all cases of conflict between British soldiers and Indians the case shall be enquired into or tried by an officer of not less than four years' standing as a justice of the peace. If there be at the time no subordinate magistrate of this position in the district, the Magistrate himself shall take up the enquiry or trial.

Cf. G. G. O. (H. D.)
no. 817, dated 23rd
May 1902.

817. The rules in paragraphs 818—822 have been made under section 549 (1) of the Code of Criminal Procedure respecting the cases in which persons subject to military law shall be tried by a court to which the said code applies or by a court martial.

Cf. G. O. no. 189
and 2888/VI—243C.,
dated 13th June
1902 and 17th Oct.
1903.

818. Where a person subject to military law is brought before a magistrate and charged with an offence for which he is liable under the Army Act,† section 41, to be

Rule 1.

* *Note.*—For the investigation of certain cases in which soldiers are concerned paragraphs 843—845 should be seen.

† “41. Subject to such regulations for the purpose of preventing interference with the jurisdiction of the civil courts as are in this Act after mentioned, every person who, whilst he is subject to military law, shall commit any of the offences in this section mentioned shall be deemed to be guilty of an offence against military law, and if charged under this section with any such offence (in this Act referred to as a civil offence) shall be liable to be tried by court martial, and on conviction to be punished, as follows, that is to say,

- (1) If he is convicted of treason, be liable to suffer death, or such less punishment as is in this Act mentioned; and
- (2) If he is convicted of murder, be liable to suffer death, and
- (3) If he is convicted of manslaughter or treason-felony, be liable to suffer penal servitude, or such less punishment as is in this Act mentioned, and
- (4) If he is convicted of rape, be liable to suffer penal servitude, or such less punishment as is in this Act mentioned; and
- (5) If he is convicted of any offence not before in this Act particularly specified which when committed in England is punishable by the law of England, be liable, whether the offence is committed in England, or elsewhere, either to suffer such punishment as might be awarded to him in pursuance of this Act in respect of an act to the prejudice of good order and military discipline, or to suffer any punishment assigned for such offence by the law of England.

Provided as follows:—

- (a) A person subject to military law shall not be tried by court martial for treason, murder, manslaughter, treason-felony, or rape committed in the United Kingdom, and shall not be tried by court martial for treason, murder, manslaughter, treason-felony, or rape committed in any place within His Majesty's dominions, other than the United Kingdom and Gibraltar unless such person at the time he committed the offence was in active service, or such place is more than one hundred miles as measured in a straight line from any city or town in which the offender can be tried for such offence by a competent civil court.
- (b) A person subject to military law when in His Majesty's dominions may be tried by any competent civil court for any offence for which he would be triable if he were not subject to military law.

PROCEDURE FOR THE PROSECUTION AND TRIAL OF CERTAIN PERSONS 179
AND CERTAIN CLASSES OF CASES.

tried by a court-martial, such magistrate shall not proceed to try such person or to issue orders for his trial by a jury, or to enquire with a view to his commitment for trial by the Court of Session or the High Court, for any offence triable by such Court, unless (a) he is of opinion, for reasons to be recorded, that he should so proceed without being moved thereto by competent military authority or (b) he is moved thereto by such authority.

819. Before proceeding under rule 1, clause (a), the magistrate shall give notice to the Commanding Officer of the accused,

Rule 2. and until the expiry of a period of five days from the date of the service of such notice, he shall not—

(a) acquit or convict the accused under section 243, 245, 247 or 248 of the Code of Criminal Procedure or hear him in his defence under section 244; or

(b) frame in writing a charge against the accused under section 254; or

(c) make an order committing the accused for trial by the High Court or the Court of Session under section 213 or 214; or

(d) issue order under section 451 (2) for the trial of the accused by jury.

820. Where within the period of five days, mentioned in rule 2, or at any time thereafter before the magistrate has

Rule 3. done any act or issued any order referred to in rule 2, clauses (a) to (d), the Commanding Officer of the accused gives notice to the magistrate that in the opinion of the competent military authority the accused should be tried by a court-martial, the magistrate shall stay proceedings and if the accused is in his power or under his control, shall deliver him, with the statement prescribed by section 549, to the authority specified in the said section.

821. Where a magistrate has been moved by a competent military authority under rule 1 clause (b), and the Commanding

Rule 4. Officer of the accused subsequently gives notice to such magistrate that in the opinion of such authority the accused should be tried by a court-martial, such magistrate if he has not before receiving such notice done any act or issued any order referred to in rule 2, clauses (a) to (d), shall stay proceedings, and, if the accused is in his power or under his control, shall, in the like manner deliver him, with the statement prescribed in section 549, to the authority specified in the said section.

822. Where an accused person, having been delivered by the magistrate under rule 3 or 4, is not tried by a

Rule 5. court-martial for the offence of which he is accused, or other effectual proceedings are not taken, or ordered to be taken, against him the magistrate shall report the circumstance through the Local Government to the Governor-General in Council.

III.—Soldiers of the Indian Army.

823. The rules in paragraphs 818—822 do not apply to native officers or soldiers or followers in His Majesty's Indian Army. These are subject to the Indian Articles of War (Act V of 1869) which in effect provide

Trial of native officers
and soldiers.

(article 170) that when a person subject to them is accused of a non-military

Cf. G. O. no. 1117/
VI—240C., dated 1st
May 1894.

180 PROCEDURE FOR THE PROSECUTION AND TRIAL OF CERTAIN PERSONS
AND CERTAIN CLASSES OF CASES.

offence, he shall be delivered over to the nearest magistrate to be proceeded against according to law.

*Cf. G. G. O. (H. D.)
no. 513, dated 30th
Apr. 1897.*

824. The Officer Commanding the troops to which an accused person subject to the Indian Articles of War belongs, is "the prescribed military authority" for the purposes of articles 174 and 175 of the said articles.

*Cf. G. O. no. 1383/
VI—877C., dated
31st May 1897.*

825. When a person subject to the Indian Articles of War is accused of an offence in respect of which both a criminal court and a court-martial* have jurisdiction, and is in military custody, the prescribed military authority, if he decides that the case ought to be tried by a criminal court, should move the magistrate to investigate the charge, handing over the accused to him for that purpose. If, however, he decides that the charge is to be tried by court-martial, the accused will be kept in military custody pending such trial, and the magistrate, should he consider that the charge should be tried by a criminal court, must take action under article 175.

826. When, on the other hand, the accused in such a case is in civil custody, the magistrate should not proceed to investigate the charge until he has communicated with the prescribed military authority and ascertained that officer's decision under article 174. If dissatisfied with the decision of that officer in favour of a court-martial, the magistrate should take action under article 175, but in the meantime the accused should be delivered into military custody.

827. In case of doubt as to whether an accused person in civil custody is liable to be tried by court-martial, the magistrate concerned should, before beginning any investigation into the charge, communicate with the Officer Commanding the troops to which such accused person belongs. In similar case of doubt, if the accused is in military custody, the magistrate should communicate first with the Officer Commanding the troops to which the accused belongs before taking formal action under article 175.

828. Where a criminal court and a court-martial have concurrent jurisdiction, the accused should be tried as a rule, by the latter; but in cases of thefts of arms, ammunition, or other property belonging to the Government, if there is reason to suspect that persons, other than the accused, who are not subject to the Indian Articles of War, are directly or indirectly implicated, the Officer Commanding the troops may conveniently decide in favour of investigation by the criminal court as more likely to ensure the discovery and punishment of all the accessories to the offence.

*Cf. G. O. no. 2907/
VI—887C., dated
31st Aug. 1900.*

829. If a person subject to the Indian Articles of War is charged with an offence which cannot be tried by court-martial under the Articles of War, or if, although so triable, the military authority decides not so to try the offence and the surrender of the person of the accused is desired by the civil authorities, a requisition shall be addressed with that object to the military authority by the senior executive police officer present in

* *Note.*—The offences against the criminal law which are cognizable by courts-martial are detailed in the Indian Articles of War, and reference should be made in particular to articles 8, 42, 44, 50, 60, 61, 64, 65, 171 and 173. The jurisdiction of courts-martial over offences cognizable also by the ordinary criminal courts is more limited in the case of the Native than in that of the British Army, and as a general rule an offence committed by a person subject to the Indian Articles of War against the person or property of a civilian is not triable by court-martial.

VI.—Judl. (Criml.) Dept.]

PROCEDURE FOR THE PROSECUTION AND TRIAL OF CERTAIN PERSONS 181 AND CERTAIN CLASSES OF CASES

the station. In the case of the non-cognizable offence, the police officer making the requisition should obtain a warrant signed by a magistrate. The requisition should ordinarily emanate from a police officer not below the rank of assistant superintendent of police.

830. In the event of the arrest by the police of soldiers, British or native, charged with the commission of an offence, district officers should give as early intimation as possible of the fact to the Officer Commanding the regiment to which the men arrested may belong, so as to enable him to adopt in time any measures he may think necessary for their defence.

Cf. G. G. O. no. 21A, dated 4th Sept. 1974.

831. When soldiers are to be tried by a civil court (i.e. a court which is not a military court) upon any criminal charge, the local military authorities should consult the District Magistrate and arrange with him for the selection and remuneration of a pleader, advocate or barrister, as the importance and necessities of the case may require. The fee to be paid to the pleader, advocate or barrister must not exceed Rs. 100 per diem when the trial is before a High Court, and Rs. 50 per diem in all other cases.

Cf. G. O. no. 1205C, dated 23rd June 1893.

Note 1.—The expenditure incurred will be a military charge, and will be adjusted under grant 14 of the budget estimates, minor head "Contingencies."

Note 2.—This rule is not applicable to native soldiers on leave and reservists not under training, but they should be held applicable to reservists of the Native Army when called out for training, as these men are in the same position as soldiers serving with the colours.

Cf. G. O. no. 2770/VI—24C, dated 3rd July 1894.

Note 3.—A pleader, advocate or barrister may similarly be provided, subject to the same conditions when a soldier has been convicted and has appealed.

Cf. G. O. no. 3495/VI—23C, dated 17th Sept. 1894.

B.—Cases in which public officers are concerned.

832. No Magistrate shall institute criminal proceedings against any deputy collector, tahsildar or other revenue officer who may also be employed as deputy magistrate or as officer of police, for acts done in his capacity as deputy magistrate or as officer of police, until he shall first have obtained the sanction of the Commissioner to the measure.

Cf. G. O. no. 824A, dated 7th March 1876, and no. 355/VI—759D, dated 26th Jan. 1905.

833. Whenever an officer of standing, such as a tahsildar or naib tahsildar, is accused of a serious offence, the trial or inquiry should be conducted by the District Magistrate himself, unless there are reasons why he should not himself take up the case. In such event the case should be tried by an officer with at least six years' experience of judicial work, unless it is one that can be committed to the sessions.

Cf. G. O. no. 2511/VI—452C, dated 6th June 1894.

C.—Cases in which police officers are concerned.

834. The rules regarding the prosecution of police officers are contained in the Police Regulations.

Prosecution of police officers.

835. District Magistrates should withdraw from subordinate magistrates, under section 528 (2) of the Criminal Procedure Code, all cases in which a complaint has been made that a police officer has committed an offence under the Penal Code. When the charge is against an inspector, they

Cf. G. O. no. 2890/VI—357D, dated 13th Sept. 1902.

182 PROCEDURE FOR THE PROSECUTION AND TRIAL OF CERTAIN PERSONS
AND CERTAIN CLASSES OF CASES.

should arrange themselves to try or enquire into the charge unless there are reasons why they should not themselves take up the case. So far as convenience will allow, criminal charges against sub-inspectors also should ordinarily be tried or enquired into by District Magistrates themselves. It is of great importance that criminal charges against police officers should always be heard by experienced magistrates, and the principles laid down in paragraph 833 should be observed.

D.—Other cases.

*Cf. G. O. no. 4A.,
dated 5th Jan. 1877.*

Prosecution of em-
ployees in the registration
department.

836. Magistrates should give prompt information to the Inspector-General of Registration of all prosecutions of employés of the registration department connected with the conduct of their duties.

Prosecution of jail
officials.

837. For the prosecution of jail officials paragraph 962 should be seen.

*Cf. G. O. no. 921
and 2691/VI—170C.,
dated 25th Apr.
1893 and 21st
Aug. 1894.*

838. When criminal prosecutions are instituted by the survey department and the charge is of a cognizable offence the prosecution will be conducted by the police. Where the charge is of an offence which is non-cognizable, the officer who prefers the complaint should refer for instructions to the District Magistrate who may, if he thinks fit, either instruct the officer himself to prosecute, or, if the case is of a complicated or difficult nature rendering in his opinion the employment of the government pleader or of some legal practitioner necessary for a proper prosecution, may direct the government pleader to prosecute or report to the Legal Remembrancer what other arrangement he has to propose.

Where the charge is of an offence which is non-cognizable, the officer who prefers the complaint should refer for instructions to the District Magistrate who may, if he thinks fit, either instruct the officer himself to prosecute, or, if the case is of a complicated or difficult nature rendering in his opinion the employment of the government pleader or of some legal practitioner necessary for a proper prosecution, may direct the government pleader to prosecute or report to the Legal Remembrancer what other arrangement he has to propose.

*Cf. G. O. no. 1356A,
dated 14th Sept.
1872.*

839. No press prosecutions should be undertaken by any department on account of imputations made against official acts without the express sanction of the Government.

No press prosecutions should be undertaken by any department on account of imputations made against official acts without the express sanction of the Government.

*Cf. G. O. no. 2871/
VI—199D, dated
25th Sept. 1899, and
no. 1594/VI—199D,
dated 21st May 1902.
Cf. G. O. 790/III—
290, dated 9th June
1909.*

840. A previous report of the circumstances should invariably be submitted to the Government before a prosecution of any kind is instituted against a newspaper or publisher of a book by a government officer.

841. The procedure prescribed in paragraphs 816, 844 and 845 should be followed, so far as their application is possible in all cases in which conflicts between Europeans and Indians occur, or in which Indians are shot or wounded by Europeans.

Conflicts between
Indians and Europeans
(other than soldiers).

should be followed, so far as their application is possible in all cases in which conflicts between Europeans and Indians occur, or in which Indians are shot or wounded by Europeans.

*Cf. G. O. no. 3807/
VI—937C, dated
13th Oct. 1897.*

842. All cases of train-wrecking should, as a rule, be tried by the District Magistrate; if he cannot, for any strong reason, try a particular case himself, it should be made over by him for trial to an experienced subordinate magistrate specially selected for the purpose.

All cases of train-wrecking should, as a rule, be tried by the District Magistrate; if he cannot, for any strong reason, try a particular case himself, it should be made over by him for trial to an experienced subordinate magistrate specially selected for the purpose.

Trial of cases of train-
wrecking.

made over by him for trial to an experienced subordinate magistrate specially selected for the purpose.

Chapter XXXV.—Orders regarding the investigation of complaints and charges.

A.—* Cases in which soldiers are concerned.

843. Superintendents of police should give immediate information to the District Magistrate of any case of a serious nature in which soldiers are believed to have been concerned. The District Magistrate should at once report to the military authorities the substance of the communication made to him.

Cf. G. O. no. 95 / III—995, dated 13th Feb. 1890, and no. 902/VIII—714A.-76, dated 1st July 1892.

Note.—The report should be made in districts which are also the head quarters of a General Officer, to the Staff Officer of the General Officer, or, in his absence, to the Officer Commanding the station; in districts which are not the head quarters of a General Officer to the Officer Commanding the station or the detachment. In districts which contain no troops, the report should be made to the Staff Officer of the nearest General Officer Commanding a military district.

844. (a) All such cases in which there is any reason to suspect that an Indian has been killed or wounded shall be investigated either by an officer of not less than four years' standing as justice of the peace or by the superintendent of police.

Cf. G. O. no. 824 / VI—414, dated 8th Apr. 1911.

(b) The *post-mortem* examination in cases in which an Indian has been killed shall be conducted by the civil surgeon himself, and the police shall give that officer the information necessary to show him that the case is one in which his personal conduct of the *post-mortem* is required.

(c) Whenever a serious affray takes place between Indian villagers and British soldiers, whether the latter be or be not engaged in a shooting expedition, the District Magistrate shall invariably either himself proceed to the place or at once depute an officer of not less than four years' standing as justice of the peace, or the superintendent of police, in order to investigate the matter on the spot at the earliest possible time after the occurrence.

(d) The magistrate investigating the case shall not subsequently try any persons accused in respect of it.

(e) In the case of less serious affrays of the nature above described a police officer not below the rank of assistant superintendent may be deputed to investigate.

(f) The Lieutenant-Governor expects District Magistrates to co-operate cordially with the regimental authorities in the investigation of all cases of this nature.

845. (a) All cases in which British soldiers are alleged to have killed or wounded Indians, and in which the identity of the assailants is sufficiently indicated, shall not be disposed of without eliciting the facts by sworn evidence even though the magistrate eventually discharge the accused without framing a charge on the ground that the plea of accident or self-defence has been established to his satisfaction.

(b) In cases of death so caused, where no assailant is indicated the magistrate should hold an inquest under section 174, Criminal Procedure Code.

* *Note.*—For the trial of cases in which soldiers are concerned paragraphs 815—831 should be seen.

184 ORDERS REGARDING THE INVESTIGATION OF COMPLAINTS
AND CHARGES.

(c) In cases of wounding where no assailant is indicated the magistrate should hold an enquiry under section 159, Criminal Procedure Code. This enquiry must be held immediately on receipt of a report under section 157, and must not be put off till after a police investigation.

(d) In other cases it shall be left to the discretion of the magistrate, before whom the case comes for enquiry or trial, to decide whether the presence of the soldier or soldiers implicated is actually necessary.

(e) The Officer Commanding the unit to which the suspected soldier or soldiers belong shall be informed of the result by the District Magistrate in every case.

N.B.—Regarding the trial of such cases see paragraph 816.

B.—Miscellaneous orders.

Cf. G. O. no. 1151/
VIII—382, dated 8th
Nov. 1909.

846. The greatest care should be taken by magistrates in sending to police officers for investigation complaints making criminal charges against police officers subordinate to them.

Investigation of charges
against police officers.

While charges against police officers must be thoroughly investigated, it is only fair to the force that when a charge which is demonstrably false has been brought against one of its members the person bringing it should be proceeded against. In all such cases, therefore, the evidence should be taken by the trying magistrate himself at the earliest date possible, having regard to the distance from his court at which the witnesses live. The complainant should have every facility to prove his charges, but, if he fails, his prosecution should follow with certainty and speed if there is a real likelihood of a conviction.

Cf. G. O. no. 1324/
VIII—576A, dated
15th Sept. 1892.

847. No orders should be issued to the police for the investigation of Enquiry into non-cognizable crime except through the District Magistrate.

Enquiry into non-
cognizable cases

Cf. G. O. no. 1676/
VI—7-OB, dated
15th June 1901.

848. The provisions of section 561 of the Code of Criminal Procedure should be applied with the utmost care and discrimination, and any local investigation which may be considered necessary under the provisions of section 202, Criminal Procedure Code, should be held by an experienced native magistrate. When a complaint under the Act is instituted the provisions of sections 202 and 203, Criminal Procedure Code, should be carefully observed, and the law should not be put in motion against the accused, unless there are strong grounds for believing that the complaint is a *bona fide* one, and that it has not been instituted merely with the view of causing annoyance to the person accused.

In the case of *Q. E. versus Gurni Charan, Dusaah*, it was held by the Calcutta High Court that no court or magistrate had any right to order the medical examination of a witness without her consent, and that such an examination was an illegal and unjustifiable assault, for which damages might be recovered. In cases, therefore, under section 561 of the Code in which the medical examination of the wife of the accused is considered necessary, her consent must first be obtained. The examination should

ORDERS REGARDING THE INVESTIGATION OF COMPLAINTS 185
AND CHARGES.

then be invariably conducted by a qualified female practitioner where such practitioner is available.

Note.—It is undesirable that the Dufferin Fund institution should be in any way connected with the criminal administration. No police case should therefore be taken for examination to any lady doctor or female hospital assistant of the Dufferin Fund.

*Cf. G. G. no. 355/
V—606B., dated 23rd
Dec. 1903.*

849. The guiding principle which should underlie all proceedings connected with the identification by witnesses of under-trial prisoners needs at all times most careful observance. In order to be of any assistance in bringing home a crime to a criminal or in establishing

*Cf. G. O. no. 755/
VIII—342, dated
22nd Sept. 1910*

Identification by witnesses of under-trial prisoners.

the innocence of an innocent man, it is of paramount importance that identification proceedings should be absolutely above suspicion. Evidence based on identification is either most important and conclusive or is absolutely useless. It is unfortunate that cases not infrequently occur in which all value of the identification test is destroyed by the omission, on the part of magistrates or police officers, to take the necessary precautions, not only at the time of the actual identification proceedings, but also from the moment that the accused is brought into police custody, to ensure that the test is an honest one. Both magistrates and police officers should remember that neglect to take such proper precautions is not only obviously unfair to the accused but also is very liable to result, in the case of a guilty man, in a miscarriage of justice.

850. The superintendent of police is primarily responsible that no

Delays in investigation by the police to be avoided.

delay occurs in any case, whether a case of which the investigation has been undertaken by the police, or a case investigated by the police under orders of the magistrate. District Magistrates should from time to time examine the English register of crime kept up by the superintendent. The superintendent should submit to the magistrate a monthly abstract showing for each police station (1) the number of investigations pending over a month, (2) the date of the oldest case under investigation, and (3) remarks. The date under (2) should be the date of the receipt of information by the officer in charge of the police station or the date of the magistrate's order directing an investigation. The abstract should be circulated for the information of magistrates in charge of sub-divisions.

*Cf. G. O. no. 3068/
VI—311B, dated
23rd Aug. 1890,
No. 2645/VI—322C.,
dated 19th Sept.
1893, and no. 2953/
VI—311B, dated
25th Oct. 1893.*

Chapter XXXVI.—Confessions and dying declarations.

A.—Confessions.

Cf. G. O. no. 412, 3368, and 2145/VI—172B., dated 2nd March 1889, 31st Aug. 1894, and 2nd July 1906.

851. Every confession which a person in police custody wishes to make should be recorded by the highest magistrate short of the District Magistrate who can be reached in a reasonable time.

852. Magistrates should comply carefully with the provisions of the Criminal Procedure Code, with regard to the recording of confessions or statements made by accused persons.

Section 164 requires that no magistrate shall record confession unless, upon questioning the person making it, he has reason to believe that it will be made voluntarily. No confession, therefore, should be recorded until the magistrate has thoroughly satisfied himself by all reasonable means that the person before him has not been subjected to improper influences of any kind, and that the statement he is about to make will be his own free and spontaneous statement. The magistrate should also, in addition to the memorandum prescribed by the section, record the fact that he has duly questioned the prisoner for the above purpose, and should further state briefly his reasons for believing the confession to have been made voluntarily. In no case, if possible, should the police, who have been concerned in the investigation or who have arrested the accused, be present while the latter is questioned and his statement taken down: a note that this precaution has been taken should also be put on the record.

Note.—Care should be taken that the memorandum required by section 164 is added.

Cf. G. O. no. 1400/VI—172B., dated 7th May 1901.

853. In view of the special importance of securing a trustworthy and correct record of any confession made in cases of organized *dakaiti*, a confession by one of a gang of *dakaiti* should wherever the circumstances permit be recorded by an experienced and well qualified officer. This requires practice and judgment, and instances have occurred of its being inefficiently performed. Confessions in important cases of *dakaiti* made under section 164, Criminal Procedure Code, should, therefore, be recorded by the District Magistrate or by a European magistrate of some standing, preferably the joint magistrate of the district, in whatever part of the district the *dakaiti* may have taken place. The same principle may with advantage be observed in regard to other serious criminal cases.

B.—Dying declarations.

Cf. G. O. no. 405/VI—831B., dated 22nd Feb. 1892.

854. (1) Dying declarations should, if possible, be written by the person making them. Such statements should be signed or marked by the declarant and attested by respectable witnesses.

(2) Where a dying declaration is recorded by a police or medical officer, it should be recorded in full detail in the vernacular in the words of the declarant in the form of question and answer, and in the presence of

Ibid. *Cf.* also G. O. no. 712/VI—831B., dated 16th March 1907.

** Note.*—This part does not apply to declarations recorded by a magistrate under the provisions of section 164, Criminal Procedure Code.

respectable witnesses. It should then be read over to the declarant, who should affix his signature or mark to it. The accused or his pleader, if present, should be allowed to put questions to the declarant. The declaration when concluded should be signed by the police or medical officer recording it, who should also obtain the signatures of respectable witnesses. It should then be forwarded in a sealed envelope direct to the magistrate who would ordinarily inquire into the case. If it can be avoided, no police officer who is engaged in the investigation into the case should be present when the dying declaration is recorded.

855. The officer investigating a case in which a person has been seriously injured should, if there is any probability of the person dying before he can reach a dispensary where his dying declaration can be recorded, at once himself record the declaration in the presence of two respectable witnesses, obtaining the signature or mark of the declarant at the foot of the declaration.

Procedure to be observed in recording dying declarations.

For the police.

The prosecuting inspector, on being warned that a dying declaration is to be taken, should at once go to the hospital with the police papers of the case, and, if possible, arrange for the attendance of the accused and his pleader.

856. The District Magistrate, or senior magistrate present in the station, on receiving notice that a dying declaration is necessary, should at once himself proceed to take it, or depute some stipendiary magistrate, if possible, above the rank of tahsildar, to take it. He should at the same time cause the prosecuting inspector to attend with the police papers of the case.

For magistrates.

Every magistrate on receiving an order or requisition to take a dying declaration from the District Magistrate or medical authority, respectively, must at once proceed to the hospital or dispensary to record the dying declaration. At the same time he should wait for the prosecuting inspector, if there be time, before commencing to record the declaration.

857. (1) The civil surgeon, or the assistant surgeon in charge of the hospital, should at once call on the District Magistrate, or in his absence the senior magistrate present at the station, to arrange for the record of the dying declaration of such persons as are likely to die and are in a fit state to make a statement.

For the medical authorities—

(A) At the same time.

If, in the opinion of the civil surgeon or assistant surgeon, there is no time to call on the District Magistrate or the senior magistrate present at the station, the nearest magistrate may be sent for to take the dying declaration, a stipendiary magistrate being called if possible.

If, in the opinion of the civil surgeon or assistant surgeon, there is no time to call any magistrate, he may himself record the declaration.

In cases where there is no time to call on the District Magistrate or senior magistrate present at the same time, he should be informed of the action taken.

(2) The sub-assistant surgeon in charge of an outlying dispensary should at once call on the tahsildar, or, in his absence, the nearest honorary magistrate, to record the dying declarations of such persons as are likely to die and are in a fit state to make a statement.

(B) At outlying dispensaries.

If there is, in his opinion, no time to call on the tahsildar or an honorary magistrate, he may record the dying declaration himself.

Chapter XXXVII.—Post-mortem examinations and references to the Chemical Examiner.

A.—Post-mortem examinations.

Cf. G. O. no. 934/
VI—73, dated 21st
May 1885, no. 1709/
VI—73, dated 24th
Sept. 1885, and
no. 1495/VI—15B-88,
dated 4th July 1889.

858. The following instructions prescribe the procedure to be observed by the police when sending in a dead body to the civil medical officer for *post-mortem* examination, and for the conduct of such examination by that officer:—

1. Every dead body sent in for examination shall be accompanied by a police constable and a chaukidar. If the thana is over 20 miles distant from head quarters, the constable and chaukidar may be relieved at one or more intermediate stations; but the number of reliefs should be kept as low as possible.

2. The name of the police constable and of the chaukidar and of the relieving constables and chaukidars, if any, shall be always entered in police forms nos. 13 and 23.

3. They shall be instructed by the thanadar sending in the body to make it over, on arrival at the police head quarters, to the civil medical officer after despatch of the usual requisition, but will remain in charge of the body until the medical officer has completed the examination.

4. Before commencing the examination, the medical officer shall ask the police constable and the chaukidar whether the body to be examined is the body which they accompanied from the police-station, and their replies shall form part of the civil medical officer's declaration.

5. After the formal identification by the police constable and the chaukidar, the medical officer shall compare the body with the *hulia* or descriptive-roll sent from the police-station, and he shall certify that the body about to be examined agrees with the descriptive-roll forwarded with it.

6. The greatest care and precision is enjoined on all police officers in describing the body; any marks or natural conditions by which it may be readily identified should be noted; and this descriptive-roll should contain particulars for identification distinct from any injuries that may be apparent.

7. The officer in charge of the station from which the body is despatched, shall not send both copies of the descriptive roll with the police constable who accompanies the body, but shall send only one copy of the roll by the constable and forward the other by post to the officer in charge of the police head quarters.

8. The medical officer shall be furnished with a detailed translation of the police officer's report on the appearance and situation of the body when it was first discovered.

Cf. G. O. no. 338A,
dated 6th May 1865.

Note.—Superintendents of police are authorized to call on civil surgeons to make *post-mortem* examinations.

859. All dead bodies of which an examination is required by the police or judicial authorities shall be sent to the head quarters of the district, subject to the exceptions contained in rules 2 and 3.

*Rules regarding *post-mortem* examinations.

Rule 1.

* *Note.*—Under section 174, Code of Criminal Procedure.

POST-MORTEM EXAMINATIONS AND REFERENCES TO THE CHEMICAL EXAMINER. 189

860. In the case of the following subdivisions, bodies shall be sent to the head quarters of the subdivision :—

Rule 2.

- | | |
|-----------------------------------|---|
| (1) Mussooree—Dehra Dun district. | (6) Lalitpur—Jhansi district. |
| (2) Chakrata—Ditto. | (7) Chunar—Mirzapur district. |
| (3) Roorkee—Saharanpur district. | (8) Ranikhet and Lohaghat—Almora district |
| (4) Karwi—Banda district. | (9) Mahoba—Hamirpur district. |
| (5) Mau—Jhansi district. | (10) Gunnaur—Budaun district. |

Cf. G. O. no. 921/1451, 1865/VI—73, dated 15th Apr., 25th May and 29th June 1896, and no. 281/VI—828, dated 6th Feb. 1911.

861. In the case of the following dispensaries all bodies shall be sent from the areas noted against them to the dispensary.

Rule 3.

- (1) Srinagar, Garhwal district—

From the parganas of Barahsyun, Badhan, Chandpur, Dewalgarh, Dasauli, Nagpur and Painkhanda.

This exception only holds good when the civil surgeon is absent from head quarters on tour or otherwise.

Cf. G. O. no. 17/VI—73, dated 6th Jan. 1904.

Note.—Bodies from the parganas of Chandkot, Ganga Salan, Malla Salan and Talla Salan will be sent to the army medical surgeon at Lansdowne in all cases.

- (2) Nagina, Bijnor district—

From the thanas of Nagina and Barapura.

- (3) Kassia, Gorakhpur district—

From the thanas of Kassia, Padrauna, Ramkola, Bishanpura, Tariasujan, Kazipur, Tarkulwa, Hatta and Khampur.

Cf. G. O. no. 1696/VI—73, dated 22nd June 1898.

- (4) Haldwani, Naini Tal district—

From the Bhabar tract lying east of the Baur Nadi, and from the parganas of Rudrapur, Kilpuri, Nanakmata and Bilheri.

- (5) Kashipur, Naini Tal district—

From the Bhabar tract lying west of the Baur Nadi, and from the parganas of Kashipur, Bazpur and Gadarpur.

- (6) Maharajganj, Gorakhpur district—

From the thanas of Maharajganj, Paisia, Thuthibari, Nichlaul, Kothibhar, Biraicha and Semra.

- (7) Akbarpur, Fyzabad district—

From the thanas of Akbarpur and Jalalpur.

- (8) Tanda, Fyzabad district—

From the thanas of Tanda, Ramnagar and Baskha.

- (9) Sherkot, Bijnor district—

From the thanas of Dhampur, Seohara, Sherkot, Afzalgarh and Rehar.

- (10) Gola, Kheri district—

From the thanas of Muhamdi, Gola, Pasgawan and Bhira.

- (11) Dudhi, Mirzapur district—

From the thanas of Khairwa and Dudhi.

- (12) Robertsganj, Mirzapur district—

From the thanas of Shahganj, Ghorawal, Robertsganj, Pannuganj, Kone and Chopan.

190 POST-MORTEM EXAMINATIONS AND REFERENCES TO THE CHEMICAL EXAMINER.

(13) Bansi, Basti district :—

From the thanas of Bansi, Chilla, Uska, Lotan, Bankata, and Minhawal.

(14) Bhinga, Bahraich district :—

From the thana of Bhinga.

(15) Etawah head quarters—

From Bah and Jaitpur police stations, Agra district.

Cf. G. O. no. 1297/
VI—73, dated 8th
May 1899.

Cf. G. O. no. 831/
VI—73, dated 15th
March 1902.

Cf. G. O. no. 1890/
VI—313-1910, dated
31st May 1910.

862. At head quarters of districts and at Mussooree, Roorkee and Ranikhet the officer in civil medical charge shall, as a rule, superintend personally and report on the *post-mortem* examinations.

Rule 4.

The assistants to the civil surgeons at Allahabad, Lucknow, Mussooree, and Naini Tal have been empowered to perform *post-mortem* examinations.

Cf. G. O. no. 1124/
VI—715, dated 7th
Apr. 1910.

863. At Chakrata, Karwi, Mau, Lalitpur, Chunar, Haldwani, Kashipur, Srinagar, Kassia and Nagina *post-mortem* examinations shall be conducted by the assistant surgeons in charge; and at Robertsganj, Dudhi, Mahoba, Maharajganj, Akbarpur, Tanda, Gunnaur, Sherkot, and Gola by the sub-assistant surgeons in charge of the branch dispensaries.

Rule 5.

864. At the head quarters of districts other than Allahabad, Lucknow and Naini Tal and at Roorkee and Ranikhet, in the unavoidable absence or incapacity of the officer in civil medical charge, *post-mortem* examinations may be made in cases of extreme urgency by the assistant surgeon, or, in the unavoidable absence or incapacity of the assistant surgeon, by the sub-assistant surgeon in charge of the dispensary.

Rule 6.

865. A subordinate medical officer making a *post-mortem* examination in accordance with the provisions of rules 5 and 6 shall forward his report to the police or judicial authorities through the officer in civil medical charge, who shall countersign the report if he considers that the examination has been thorough, and that the conclusions arrived at are justified by it.

Rule 7.

866. A tabular statement shall be submitted to the Inspector-General of Civil Hospitals as soon after the close of each calendar year as possible, showing in what proportions *post-mortem* examinations for judicial purposes have been conducted during the year at head quarters and outstations (1) by the officer in civil medical charge, (2) by the assistant surgeon, (3) by the sub-assistant surgeon.

Rule 8.

867. (1) A medical officer of commissioned rank, not being a civil surgeon or an officer in medical charge of a civil station, or an independent medical practitioner holding a diploma recognized by the Local Government, as sufficient to secure the necessary qualifications, is entitled to a fee of Rs. 16 for conducting a *post-mortem* examination, and to a fee of Rs. 10 for conducting a *medico-legal* examination other than a *post-mortem* examination, in cases not falling within the ordinary discharge of his duties,

Fees.

Cf. G. G. O. (F. and C.) no. 3050, dated 11th Aug. 1882, and G. O. no. 323/VI—828, dated 9th Feb. 1911.

POST-MORTEM EXAMINATIONS AND REFERENCES TO THE CHEMICAL 191
EXAMINER.

whether he is required to give evidence in a court of justice in connection with such examination or not. But when such an officer is required, under these circumstances, to give evidence in a court of justice, he is not entitled to any remuneration, in addition to the fee above sanctioned, other than the usual expenses paid to a witness.

(2) A medical subordinate is entitled to a fee of Rs. 4 for conducting such examinations when they do not fall within the ordinary scope of his duties; medical subordinates lent by the Government to municipalities or dispensary committees will be required to perform these examinations as a part of their regular duties without further remuneration.

Cf. G. G. O. (H. D.) no. 90, dated 21st Feb. 1884.

(3) Senior military assistant surgeons with the honorary rank of lieutenant or captain should be granted fees at the same rates as are admissible under the orders contained in the above rule.

Cf. G. G. O. (H. D.), no. 922, dated 3rd Nov. 1906.

(4) The only remuneration which an assistant surgeon, or a sub-assistant surgeon attached to a dispensary can claim in cases in which he is summoned from a distance to attend a court of justice to give evidence in connection with a *medico-legal* examination is his actual expenses.

Cf. G. G. O. no. 3358/X-B-6, dated 18th May 1888.

B.—Transmission of substances for analysis to the Chemical Examiner.

868. Substances ought not to be sent to the Chemical Examiner for analysis when there is neither a reasonable suspicion that poison has been used nor anything in the *post mortem* examination of the bodies leading to such a supposition. Magistrates should limit their references to that officer to cases of necessity and to cases in which the local medical officer cannot afford the information required.

Cf. G. G. O. no. 1722/VI—820, dated 5th June 1909, and no. 637/VI—634, dated 16th March 1911.

869. Civil surgeons and superintendents of police are to remember that the duty of making a reference to the Chemical Examiner, and of requiring that officer to make a report which shall be admissible under section 510 of the Criminal Procedure Code, is one which lies solely within the province of the magistrate conducting the inquiry for which information on the character of the suspected substance is required. Such references should not, under any circumstances, be made by them directly.

870. When in the course of any proceeding under the Criminal Procedure Code a magistrate decides that a reference to the Chemical Examiner is required, he shall at once, in form no. 1, call on that officer for a report, and shall request the civil surgeon or officer in civil medical charge by endorsement to form no. 1 to forward to the Chemical Examiner the substance of which analysis is required.

871. The magistrate conducting the proceedings is responsible for furnishing the Chemical Examiner with every fact and detail obtainable either from deponents or from the medical officer, or from the police investigation, which may afford the Chemical Examiner the slightest clue or may indicate the direction in which analytical inquiry may yield a positive result. This information will be given in the annexure to form no. 1, which must invariably be filled up by the magistrate himself.

Conformably with this rule the words "supplied by the police" in the heading of the annexure to form no. 1 should be omitted.

872. Cases have occurred in which the usefulness of the analyses made by the Chemical Examiner has been impaired by the omission to furnish him

192 POST-MORTEM EXAMINATIONS AND REFERENCES TO THE CHEMICAL EXAMINER.

with sufficient details as to the facts of the case. Magistrates should not, therefore, be content to send a mere précis of the facts as disclosed by the police investigation or by the medical examination, but should satisfy themselves that all ascertained facts which may be useful to the Chemical Examiner are embodied in the report. If additional facts are discovered in time to be useful a supplementary report should be forwarded. Magistrates should invariably consult the civil surgeon, even if the latter has not himself seen the case, as to the symptoms and other pathological facts which it is necessary to embody in the report, and as to whether it is necessary to ask the Chemical Examiner for a quantitative analysis. If the case has been seen by a medical officer, the latter should add a report, stating his opinion as to what poison has been used.

873. Magistrates should not address the Chemical Examiner on questions of a medico-legal nature. It is the Chemical Examiner's business to ascertain and report facts, and not to draw inferences. If a magistrate wishes for expert assistance in the interpretation of the facts reported by the Chemical Examiner he should call the civil surgeon as a witness.

874. In cases of analysis of portions of a dead body, besides a copy of the *post-mortem* report in the handwriting of a medical officer or medically trained subordinate, the Chemical Examiner should be furnished with replies to the queries printed on the annexure to form no. 1.

875. Articles sent for examination should as a rule, if under 10 seers in weight, be sent by registered post. If above this weight they should be sent by rail (passenger train, freight prepaid). In the latter case the railway receipt should be enclosed in the letter advising despatch of parcel.

876. In all cases a letter advising despatch of parcel must be sent to the Chemical Examiner. Chemical Examiner's form no. 2 should be used for the letter, and it should be sent by post and not enclosed in the parcel. The number and date of this forwarding letter must always be written on the outside of the parcel, preferably on the label.

877. Great care should be used in packing* substances sent to the Chemical Examiner to avoid any risk of the parcel becoming offensive or dangerous to post office or railway officials. Such an accident would render the sender liable to prosecution under section 61 of the Post Office Act, 1898. The Chemical Examiner is directed to report the name of any officer who fails to comply with these instructions.

878. The duty of preparing and despatching the articles to be sent for analysis devolves on the civil surgeon or officer in civil medical charge. In all cases the parcel should be packed and sealed in presence of the civil surgeon or other responsible medical officer. The cost of preparation, packing and postage, or railway freight should be charged in the magistrate's contingent bill. Despatching officers will be held personally responsible that the instructions are carefully followed.

879. If, in the opinion of the civil surgeon, the results of a *post-mortem* examination are such as to give reasonable grounds for suspecting

*Note.—For the directions regarding the preservation and packing of viscera and other articles, the material to be sent and blood stains, the special pamphlet of instructions should be seen.

POST-MORTEM EXAMINATIONS AND REFERENCES TO THE CHEMICAL EXAMINER. 193

poison to have been used, he should immediately communicate with the District Magistrate with a view to obtain authorization to send portions of the viscera to the Chemical Examiner. Such portions of the viscera should be despatched immediately this authorization has been obtained.

880. A declaration of the nature of the contents of the parcel to the post office or railway authorities is unnecessary and should not be made.

881. Remains of viscera sent for examination are preserved by the Chemical Examiner for a period of six months after receipt.

882. Articles belonging to separate cases must on no account be packed in the same box or parcel.

883. All officers requiring substances to be analyzed in which the quantities of constituents have to be determined, such as potable waters, should remember that such analyses take up a great deal of time, and therefore no needless analysis should be demanded. In such cases a certificate should be obtained from the Magistrate of the district that the analysis is absolutely necessary. Without this certificate the Government Analyst is empowered to decline undertaking quantitative analyses.

884. Any municipal board requiring an analysis to be made shall forward to the Government Analyst, with the letter asking for the analysis, the treasury officer's receipt for the prescribed fee of ten rupees for each article examined. [This rule does not apply to the routine analyses of water from water works for which a special arrangement has been made.]

885. Analyses desired by the military department will be performed under sanction of the Principal Medical Officer of His Majesty's Forces in India. In urgent cases the analysis should be carried out forthwith and sanction obtained later.

886. The results of analyses of substances other than those relating to criminal cases will be reported on Chemical Examiner's form no. 9.

Chapter XXXVIII.—Public Prosecutors.

Cf. G. O. no. 651 and 652/VI—80-1, dated 2nd Apr 1893, no. 229/VI—703C., dated 29th Jan. 1895, no. 2377/VI—880B., dated 23rd Aug. 1897, and no. 2552, 2556 and 2560/VI—236B., dated 9th Aug. 1906.

887. The following public prosecutors have been appointed :—

- (a) The Legal Remembrancer for all cases except those which may come before the High Court or the Court of the Judicial Commissioner.
- (b) The Government Advocate for all cases coming before the High Court.
- (c) District government pleaders for the purpose of all cases which may come before the court of the Sessions Judge to which they are attached.
- (d) Prosecuting inspectors and prosecuting sub-inspectors of the district police force and of the government railway police for all cases tried or enquired into by magistrates after investigation by the police in the districts to which they are posted, and in all districts traversed by the railway lines composing the sections to which they are posted.

Cf. G. O. no. 1645/VI—236B., dated 28th June 1892.

888. In regard to the prosecution of cases in magistrates' courts, any magistrate may permit an officer not below the rank of a sub-inspector of police to conduct the prosecution of a criminal case in his court.

Cf. G. O. no. 1400/VI—580C-517, dated 31st May 1904.

889. Magistrates should in all important railway cases make special arrangements for the prosecution, if necessary, in consultation with the Legal Remembrancer.

890. Rules regarding the duties of law officers and government pleaders and the conduct of cases on behalf of the Government will be found in the Legal Remembrancer's Manual.

Cf. G. O. no. 1732/VI—796C., dated 19th June 1899.

891. Whenever an officer, under government sanction, prosecutes any person for defamation, if he wishes to engage any counsel other than the district government pleader, he must report the name of the counsel whom he wishes to employ to the Legal Remembrancer, who will obtain the approval of the Government if the fees that will be paid exceed those payable to the district government pleader.

Chapter XXXIX.—Jurors, assessors and witnesses.

A.—Jurors and assessors.

892. The following persons have been exempted by the Local Government under the provisions of section 320 (b) of the Code of Criminal Procedure, 1898, from liability to serve as jurors and assessors:—

Cf. G. O. no. 4407 VI—188C, dated 24th Feb. 1896.

(i) Persons actually employed upon a railway as—

Engineers in charge of the line	Station masters.
Engineering inspectors employed on the line.	District traffic superintendents.
Locomotive foremen and drivers in charge at changing stations.	Assistant district traffic superintendents.
Drivers of pilot-engines.	Guards.
	District locomotive superintendents.
	Assistant district locomotive superintendents.

(ii) Persons actually employed in the Government Press, Allahabad, as—

Superintendent, Government Press.	Examiners.
Head assistant, press department.	Foremen in charge of sections.
Head assistant, office department.	Assistants in charge of store-rooms.

(iii) The engineer attached to the Ghazipur opium agency.

(iv) All ministerial officers employed in the office of Deputy Commissioners in Oudh.

Cf. G. O. no. 2426, VI—188C, dated 18th Aug. 1896.

(v) All ministerial officers employed in the office of the Legal Remembrancer.

893. Every person who attends in obedience to a summons issued under chapter XXIII of the Code of Criminal Procedure, in order to serve as juror or assessor at a trial—

Cf. G. O. no. 1051, VI—191, dated 11th May 1910.

Rule I.

(a) before any Court of Session,

(b) before any Magistrate of the district acting under section 451 of the Code of Criminal Procedure,

shall be entitled to his *bona fide* travelling expenses if his place of residence be not less than five miles distant from the court which he attends. Such travelling expenses shall not exceed the railway fare to and from the court when the person summoned can perform the whole journey by rail.

894. Every person summoned as a juror or assessor shall, if detained by the court for more than one day, be entitled to subsistence allowance for the whole term of his attendance at court, such subsistence allowance not to exceed rupees five per diem.

Rule II.

to exceed rupees five per diem.

895. In every case in which a person is summoned as a juror or assessor to the court at which his attendance is required shall, if he is entitled to travelling allowance under rule I, determine the daily rate at which he is entitled to make use by reason of his rank or position, and other *bona fide* travelling expenses which he is entitled to incur on his journey homeward, and shall also determine the rate per diem at which subsistence allowance is to be granted under rule II.

Rule III.

Certificate to be furnished by a juror or assessor before payment of expenses.

(Form of certificate)—I hereby certify that the travelling expenses *bona fide* incurred by me in attending this court as a (juror—assessor) in obedience to a summons (my place of residence being not less than—miles distant) are as noted below, viz.—

				Coming.	Returning.	Total.
Railway fare	::	::	::			
Carriage hire	::	::	::			
			Total	::		
Dated	)	::	::		Juror.	
The	)	::	::		Assessor.	

896. The expenses of jurors and assessors summoned to attend the District Magistrate's court shall be paid by the order of the District Magistrate and those of the

Rule IV. jurors and assessors summoned to attend the court of session by the Sessions Judge. Such payments shall be debited against the annual budget grant for "Expenses of complainants and witnesses."

B.—Witnesses.

Cf. G. O. no. 1032/VI—143B, dated 22nd May 1888.

897. In all cases where their attendance is required by the police under section 170 of the Code of Criminal Procedure, Summons of government or railway subordinate employes in the public or the railway ployes. service should at once give intimation of the fact to their superior, so that the necessary arrangements for their work can be made.

898. There are two different processes by which attendance at the criminal courts may be enforced. Section 170 of the Code of Criminal Procedure applies to cases in which the police have power to investigate, and provides that a police officer . . . is to require . . . so many of the persons, who appear to him to be acquainted with the circumstances of the case, to execute a bond to appear before the magistrate and give evidence. In this case no reference to the head of the department, in which the person from whom the bond is taken serves, is either required by the law or, ordinarily, possible.

899. Section 72 of the Code, on the other hand, applies only to a summons issued by a magistrate, and in no way justifies a person in government or railway employment in neglecting to attend when required to do so by the police under section 170 of the Criminal Procedure Code.

Cf. G. O. no. 715 and 716, dated 27th March 1911.

900. The criminal courts are authorized to pay at the rates specified below the expenses of all complainants and witnesses who are legally bound to attend in such courts:—

*Payment of expenses of witnesses.
Rule 1. Provided that no such payment shall be made from public funds to any witness in cases where under the provisions of any law in force the reasonable expenses of such witness have by order been deposited in court as a condition precedent to the issue of process to compel his attendance.

Rule 2. **901.** (1) The following are the authorized rates of diet allowance:—

- (a) for the ordinary labouring class of Indians, two annas per diem;
- (b) for Indians of higher rank in life, four annas per diem;

* Note.—Rules under section 714, Code of Criminal Procedure.

(c) for Europeans and Eurasians, and Indians of superior rank, a diet allowance according to circumstances up to a limit of Rs. 3 per diem.

(2) Diet money shall be paid for the days of actual detention as well as for the time occupied in the journey to and from the court. The number of days which should be allowed for the journey to and fro will be determined by the officer ordering payment in each case.

902. Travelling expenses shall be given only when the journey could not, with reasonable care and expedition, have been performed on foot, or in the case of persons whose age, position, and habits of life render it impossible for them to walk. In such cases, in addition to diet allowance, travelling allowance shall be given at the following rates :—

- Rule 3.**
- (a) When the journey is by rapid dāk by road the actual expenses incurred up to a maximum limit of four annas a mile, or in the case of Europeans, Eurasians, and Indians of superior rank, up to eight annas a mile. In towns where licensed hackney carriages ply for hire the actual cost of hiring a vehicle suited to the rank of a witness may be allowed if, in the opinion of the presiding officer of the court, the use of such a vehicle was necessary.
 - (b) Where the journey is wholly or partly by rail—
 - (i) for Indians generally, railway fare by the lowest class ;
 - (ii) for Europeans, Eurasians, and Indians of higher rank, intermediate or second class railway fare according to circumstances ; but the court may, in its discretion, allow first class railway fare when the persons concerned, from their social position, would ordinarily travel by that class.

903. Notwithstanding anything contained in the foregoing rules

Rule 4.

- (a) government servants (not being police officers on duty as witnesses, patwaris, or rural jamadars or chaukidars) shall receive nothing beyond actual travelling expenses ;
- (b) police officers on duty as witnesses shall not receive from the court any allowances or expenses whatsoever. The court shall, upon application, give such officers a certificate of attendance, and they will receive departmentally any travelling allowance to which they may be entitled under the provisions of article 1133 read with article 1038 of the Civil Service Regulations.

Explanation (1)—Police officers are said to be on duty as witnesses “ when they are required to attend to give evidence of facts which have come to their knowledge, or of matters with which they have had to deal, in their public capacity ” (see article 1133, Civil Service Regulations).

Explanation (2)—Jamadars and chaukidars of the rural police are not police officers for the purposes of this rule. They, as well as patwaris, shall be paid at the ordinary rates prescribed in rule 2 for persons of their rank in life who are not government servants (see article 1135, Civil Service Regulations).

- (c) Witnesses following any profession such as medicine or law shall receive a special allowance according to circumstances and custom.

Cf. G. O. no.
1345/VI—704C., da-
ted 18th May
1896.

904. When a civil court, in an inquiry, under section 476 of the Code of Criminal Procedure, into an offence against public justice, summons and examines witnesses, the latter should get their expenses as if they were witnesses summoned in a criminal trial.

Cf. G. O. no. 2246-
8/VI—877C., dated
4th Aug. 1898.

905. When soldiers, either British or native, are sent under military escort from one station to another to stand a trial on a criminal charge, they will travel under a warrant furnished by the military authorities, the charge being met from the military estimates. Where a soldier is conducted by a police escort the charge will be civil; the warrant issued in such cases should include the accused, as he is a soldier proceeding to a certain place under the orders of his military superior, and therefore on duty.

An individual soldier summoned by the civil authorities to appear in a criminal case, either as a witness or as an accused, but not under custody, should be given a warrant to enable him to perform the journey, the cost being debited to the military estimates.

Chapter XL.—Delays in case work.

906. Magistrates should avoid frequent short adjournments. A little foresight and arrangement will prevent inconvenience being caused to complainants, defendants and witnesses by their detention for unnecessary periods and their being compelled to follow officers about in camp (*cf.* paragraph 437).

Cf. G. O. no. 2645/
VI—322C., dated
19th Sept. 1893.

907. In order to check delays in the disposal of cases District Magistrates should receive—
Check over delay in disposal of cases.

(i) A daily statement prepared by the prosecuting inspector to enable him to check the detention of under-trial prisoners and of witnesses, the duration of cases, the adequacy of sentences inflicted, and the propriety of discharges and acquittals, and,

Cf. G. O. no. 3068/
VI—311B., dated
23rd Aug. 1890.

(ii) A weekly statement prepared in each court to enable him to ascertain the state of the pending file of that court.

Note.—In the second statement should be included—

- (1) cases actually sent to a magistrate (*chalanis*) by the police under section 170, Criminal Procedure Code, for trial or inquiry.
- (2) cases of which a magistrate takes cognizance (*a*) on a police report, or (*b*) on complaint, or *suo motu*.
- (3) final reports by the police in cases in which form B is submitted owing to there being no sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a magistrate.

Cf. G. O. no. 2953/
VI—311B., dated
25th Oct. 1893.

Cases of class (2) should be considered as pending from the date on which cognizance is taken of them by the magistrate.

Commissioners should examine the statements from time to time as occasion offers, in order to keep themselves acquainted with the state of criminal administration in each district.

Chapter XLI.—Under-trial prisoners.

Cf. G. O. no. 6A.,
dated 29th May
1872.

908. European British subjects committed for trial by the High Court should always be sent to the Allahabad lock-up, the warrants of detention being addressed to the Magistrate of Allahabad.

Cf. G. O. no. 1007/
VI—664C., dated
23rd Apr. 1896.

909. Every magisterial officer should, before proceeding on leave, dispose finally, so far as may be possible, of cases on the file of his court, so that his leaving the district will not cause inconvenience to the public service or to accused persons.

Similarly, in cases of transfer, magistrates should examine the files of any subordinate whose transfer is impending, and arrange so that the officer shall, as far as possible, clear his file before making over charge of his office.

Cf. G. O. no. 731/
VI—109D., dated
6th March 1900.

910. The undue detention of sessions under-trial prisoners is a very serious evil. Reports on the subject are rendered monthly by Sessions Courts to the High Court, but when, notwithstanding these, great delay takes place, the fact ought to be systematically brought to notice at short intervals. The magistrate pays frequent visits to the jail, and, moreover, the monthly statements above mentioned are partly prepared in his office. Whenever, therefore, the delay in trying prisoners committed to the sessions appears extreme, the magistrate should bring the matter to the notice of the Commissioner, who will decide whether the delay is serious enough to require report to the Government.

Cf. G. O. no. 673,
dated 25th March
1882.

911. All judicial and police officers should exercise a proper supervision over the treatment of under-trial and other prisoners who have not yet been committed to jail.

Cf. G. O. no. 2599/
VI—215C., dated
15th Sept. 1893.

912. District Magistrates are *ex-officio* superintendents of lock-ups at head quarters separate from the jail. The magistrate or one of his subordinates should visit each such lock-up daily. Lock-ups situated at head quarters of sub-divisions should also be visited daily by the officer in charge.

Cf. G. O. no. 673,
dated 25th March
1882.

913. At every place other than the sadr station where prisoners are produced before a magistrate, proper arrangements should be made for the diet of the prisoners, for their protection from inclement weather, and for their conveyance to the next lock-up or to the jail, as the case may be. This is a matter that can easily be arranged by magistrates with the police officer who has charge of the prisoners.

914. Magistrates and superintendents of police should see that prisoners confined in the lock-ups of the police-stations are properly fed and tended.

Cf. G. O. no. 1040,
dated 22nd Oct.
1878.

Note 1.—Diet should invariably be given to under-trial prisoners, whether detained in the sadr lock-ups or in the lock-ups of police-stations or elsewhere, in accordance with the scale laid down for non-labouring prisoners in the Jail Manual or its money equivalent at current market rates.

Note.—2 At all station lock-ups blankets should be supplied during the cold season for the use of insufficiently clad prisoners, and the officer in charge of prisoners who are in attendance in a magistrate's camp should also have blankets supplied to him for the same purpose.

915. Prisoners in fair health will not suffer by marching on foot for any reasonable distance, and will not lose condition if supplied with such wholesome food as can be procured in camp and on the march. But prisoners in a weak state of health may not be able to make the necessary journey on foot, and it may be necessary to provide them with carriage and to give them suitable diet while in camp and on the road. The magistrate and superintendent of police should see that proper arrangements are made when necessary.

Note 1.—The best articles of food for weak prisoners are milk, rice and *dal*. The sickly should have half a seer of milk with a chittack of *gur* early in the morning before starting on the day's journey; and on arrival at the halting place they should have a meal of *dal* and rice in the hot weather, and of *kichri* in the cold weather. The meal of *dal* and rice should be composed of—

Rice	..	..	..	8 chittacks.
Dal	..	..	..	2 ditto.
Ghi	..	..	..	$\frac{1}{2}$ chittack.
Salt	..	..	..	100 grains or $\frac{1}{4}$ tola.

The *kichri* should consist of—

Rice	..	..	..	6 chittacks.
Dal	..	..	..	4 ditto.
Ghi	..	..	..	$\frac{1}{2}$ chittack.
Salt	..	..	..	100 grains or $\frac{1}{4}$ tola.

The milk given should be pure and fresh, and the *dal* and rice or *kichri* must be thoroughly cooked.

Note 2.—Any expenditure that may be incurred in carrying out these instructions can be adjusted in the ordinary manner.

916. Under-trial prisoners should not be kept at the courts so late as to necessitate their admission to jails and lock-ups after lock-up time.

Cf. G. O. 19/VI—640B., dated 4th Jan. 1893.

917. Under-trial prisoners released on discharge or acquittal at long distances from their homes should, if destitute of means, receive diet money on the following scale :—

Cf. G. O. no. 1994/VI—932B., dated 30th July 1892.

- (a) half an anna per diem for distances up to 40 miles from the place of release, 20 miles being considered a day's march; and
- (b) one anna per diem where the distance is greater, 15 miles being considered a day's march;
- (c) females will receive double the above rates
- (d) nothing should be allowed if the distance is five miles only

Chapter XLII.—Punishments.

A.—Fines.

Cf. G. O. no. 29,
dated 5th May 1880.

918. It is the duty of the police to demand payment of fines imposed by criminal courts, and for the realization of which a warrant is issued. Magistrates, in issuing warrants for the levy of fines under section 386 of the Code of Criminal Procedure, will direct them to the police.

Note.—Such warrants shall ordinarily be directed through the prosecuting inspector to the police officer in charge of the station within which the property of the offender is situated, and may be endorsed by him to any police officer subordinate to him.

919. (1) If payment is made on demand, the money so received will be paid into the nearest treasury or sub-treasury and the warrant returned with the execution that has taken place endorsed on its reverse. If payment is not made at once, the police officer bearing the warrant will attach the movable property of the person fined to an amount that may be sufficient to liquidate the fine. He will then return the warrant to the magistrate, after endorsing on it the execution that has taken place.

(2) If it be necessary to sell the property so attached, this duty shall under the orders of the magistrate be performed as follows:—

- (i) At the head quarters of the district, by the magistrate's nazir.
- (ii) In other places, by the kurk amin, or, where there is no kurk amin, by the person who ordinarily performs the duties of kurk amin.

Cf. G. O. no. 313/
VII—109, dated
22nd Apr. 1886.

B.—First offenders.

Cf. G. O. no. 1290/
VI—53D., dated
12th May 1898.

920. The power of releasing a first offender guilty of certain offences under the Code of Criminal Procedure (sections 562—564) should be freely exercised. These sections extend to all offenders of whatever age: but action, when the circumstances are appropriate, should preferably be taken under section 31 of the Reformatory Schools Act, 1897, in the case of boys or girls under 15 years of age. This section applies to boys and girls convicted of any offence punishable with transportation and imprisonment, whether for the first time or not, and provides for the execution of the bond, not by the minor offender himself, but by a parent, guardian or relative.

C.—Whipping.

Cf. G. G. O. (H. D.)
no. 350, dated 8th
March 1910.

921. In pursuance of section 5, (b) of the Whipping Act, 1909, the Governor General in Council is pleased to specify offences under the laws mentioned in the schedule hereto annexed, being offences punishable under the said laws with imprisonment, as offences for the abetment or commission of, or attempt to commit, which juvenile offenders may be punished with whipping in accordance with the provisions of the said section.

The schedule.

1. The Police Act, 1861 (V of 1861), section 34.
2. The Public Gambling Act, 1867 (III of 1867), sections 4, 13 and 15.
3. The Cattle Trespass Act, 1871 (I of 1871), section 24.
4. The Northern India Canal and Drainage Act, 1873 (VIII of 1873), section 70, clauses (1) and (2).

5. The Opium Act, 1878 (I of 1878), section 9.
6. The Indian Forest Act, 1878 (VII of 1878), sections 25, 32 and 62, and rules made under section 41 for the infringement of which imprisonment is prescribed as a penalty.
7. The Indian Arms Act, 1878 (XI of 1878), sections 19, 20, 22 and 23.
8. The Indian Telegraphs Act, 1885 (XIII of 1885), sections 24 and 25.
9. The Indian Railways Act, 1890 (IX of 1890), sections 126, 127, 128 and 129.
10. The Prevention of Cruelty to Animals Act, 1890 (XI of 1890), sections 3, 4 and 5.
11. The Prisons Act, 1894 (IX of 1894), section 42.
12. The Excise Act, 1896 (XII of 1896), sections 45, 46, 48, 49 and 51.
13. The Indian Fisheries Act, 1897 (IV of 1897), sections 4 and 5.
14. The Reformatory Schools Act, 1897 (VIII of 1897), sections 27 and 28.
15. The Indian Post Office Act, 1898 (VI of 1898), sections 61, 62 and 68.
16. The Cantonment Code, 1899, section 66.
17. The Indian Electricity Act, 1910 (IX of 1910), section 40.
18. The Ancient Monuments Preservation Act, 1904 (VII of 1904), section 16.

* * * * *

922. The punishment of whipping should not ordinarily be inflicted in the case of offenders holding a respectable station in life, nor in the case of the honest labouring poor when driven by sheer necessity to grain pilfering or similar offences; it is appropriate in the case of other criminals in the lower order of society, especially those who take advantage of seasons of public trouble to prey upon their neighbours. Whipping as an additional punishment should only be awarded when a further deterrent seems to be called for in the interest of public justice.

Cf. G. G. O. (H. D.) no. 2/41—54, dated 11th Jan. 1882.

923. The District Magistrate should inspect the records of every case in which a magistrate subordinate to him sentences juveniles to a sentence of imprisonment in lieu of whipping. He should then forward to the superintendent of the jail, for inclusion in the quarterly returns of juveniles admitted to jails, an expression of his opinion as to whether the magistrate in question has exercised a wise discretion in the matter, together with a short statement of the facts on which it is based.

Cf. G. O. no. 1258/VI—87+B., dated 14th May 1895.

924. The following rules should be observed as regards the place and mode of inflicting the punishment of whipping:—

Cf. G. G. O. (H. D.) no. 1455, dated 23rd Sept. 1907, G. O. no. 2983-2992/VI—727D., dated 10th Oct. 1907.

- (1) all judicial whippings shall in future be inflicted in private, either at a jail or in an enclosure near the court-house;

- (2) wherever it is possible to do so magistrates shall secure the presence of a medical officer at the whipping ;

Cf. G. O. no. 927,
dated 5th Aug.
1880.

Note.—The presence of a superior medical officer is not necessary at a whipping. It will be sufficient if a competent sub-assistant surgeon is present ; but in any doubtful case the man to be whipped should be sent before hand to the civil surgeon for inspection.

- (3) the practice shall invariably be adopted of spreading a thin cloth soaked in some antiseptic over the prisoner's buttocks during the operation ;

- (4) the cane employed shall never exceed the legal minimum of half inch in diameter in the case of persons over sixteen years of age [section 392 (i) of the Criminal Procedure Code] ; and in the case of juvenile offenders a still lighter cane shall be employed.

Cf. G. O. no. 17A,
dated 2nd March
1865, no. 54, dated
29th May 1879, and
no. 49A., dated 24th
March 1880.

925. In the Province of Agra some chaprasi or khalasi on the

Whipping to be inflicted by the regular establishment when not inflicted in the jail.

regular establishment should be employed to inflict the punishment of whipping (when not inflicted in the jail), and no extra charge should be incurred thereon.

In Oudh, the payment of Re. 1 per mensem is sanctioned to the peon or chaprasi attached to the magisterial courts in each district who is appointed to administer sentences of whipping on convicted criminals (when not inflicted in the jail). This allowance is exclusive of the cost incurred on account of necessary ropes, canes, &c.; these should be purchased at the expense of the State, and charged in the judicial contingent bills.

D.—Simple imprisonment.

Cf. G. O. no. 1163/
VI—122C., dated
11th May 1893.

926. In awarding imprisonment on conviction the courts have

Sentences of simple imprisonment.

merely to consider the amount and nature of the imprisonment appropriate to the offence and the character and status of the offender ; they should not take into consideration any question of the physical fitness of a convict to labour. It is for the jail authorities to ascertain what labour is appropriate to a prisoner's strength and to put him to that only.

927. The cases in which persons are sentenced to simple imprisonment for offences involving no moral turpitude are rare, as a fine is usually regarded as sufficient punishment for such offences. The only particular in which prisoners of this class might suitably receive special treatment, in addition to certain recognized indulgences, is the provision of separate accommodation in certain cases where confinement in association with other prisoners would be felt as a painful indignity. The Inspector-General of Jails, acting on the advice of the District Magistrate, has, accordingly been authorised to direct that any particular person sentenced to imprisonment for an offence to which no moral stigma attaches, should if he so desires, be provided with separate accommodation. District Magistrates who consider that exceptional treatment in the matter of separate accommodation is desirable in any case, should refer the matter to the Inspector-General of Jails with their recommendation. If both officers agree, the Inspector-General can pass the necessary orders ; if they differ, the Inspector-General should submit the case for the orders of the Government.

E.—The punishment of habitual criminals.

928. The following extract from the report of the Jail Conference, 1877, is reproduced for information:—

*Cf. G. O. no. 61A,
dated 10th June
1878.*

We believe that magistrates err in their manner of dealing with habitual offenders, partly from judicial timidity and partly because they do not perceive the immense difference which exists between a first and second conviction. In a very large proportion of cases the lesson taught by a first conviction is taken to heart; the sentence may not have been severe, but the ordeal through which the offender has to pass as he goes through the hands of the police officer, the magistrate, and the jailor terrifies and deters. But let there be but one further conviction, and the criminal is at once marked as one of the minority whom the ordinary terrors of the law do not deter, and as one who has given evidence of a disposition to live a life of crime. However light the character of the second offence may be the re-convicted prisoner ought, we think, to stand in the eye of the magistrate on a criminal level widely different from that of the offender sentenced for the first time. And the inference against the re-convicted criminal rises in a geometrical ratio with every conviction. But this is often not the principle on which re-convicted offenders are dealt with. Whatever may be the cause, the magistrate's courage does not seem to rise with the boldness of the criminal. As convictions follow one another, he does out his increased sentences with a timid hand and *by the easy gradations of his sentences positively trains the criminal to endure a jail existence.* * * * But we feel that the matter is one for judicial authorities to deal with and that we shall have discharged our duty by pointing out this chief weakness in the machinery of our criminal law.

929. In all cases of convictions, magistrates should note on the Record of previous convictions on warrants of habitual offenders. warrant committing a prisoner to jail, whether he has been previously convicted, and, if so, of what offence. As habitual criminals form a distinct class, and are subjected to special treatment, it is important that every facility should be afforded to the jail authorities of recognising such offenders as come under the definition of habituais.

*Cf. G. O. no. 6A,
dated 18th March
1876.*

F.—Solitary confinement.

930. District Magistrates and subordinate magistrates have been requested to refrain, as far as possible, from passing sentences of solitary confinement on boys who are eligible for confinement in the juvenile jail.

*Cf. G. O. no. 219/
VI—257, dated 27th
Jan. 1911.*

Note.—*Cf. paragraph 960.*

G.—Miscellaneous.

931. In prosecuting cases in which persons convicted are charged with stamp or other frauds, involving a pecuniary loss to the Government, the officer conducting or watching the prosecution on behalf of the Government, should, at the close of the trial, and prior to the announcement of the court's decision, submit for the court's consideration the propriety of imposing, in case of conviction, a fine corresponding to the amount of pecuniary loss incurred or said to be incurred by the Government. This course should, however, only be adopted under the orders of the magistrate of the district in cases where inquiry has shown that the prisoner possesses sufficient property to secure the realization of the desired fine.

*Cf. G. O. no. 12/
VI—515-1, dated
29th Sept. 1884.*

932. Whenever a government official is judicially convicted of any offence, a copy of the decision should be sent to the head of the department in which he is employed, in order that such action in the case as may be deemed proper may be taken at once.

*Cf. G. O. no. 2835/
VI—142D, dated
21st Sept. 1899.
Cf. G. O. no. 1096/
VI—142D, dated
12th Apr. 1900.*

Note.—Copies of judgments convicting government officers of criminal offences and also of judgments of acquittal and orders of discharge shall be supplied free of charge on the application of the Head of the department. English translations of vernacular judgments in such cases shall also be supplied free of charge.

Cf. G. G. O. (H. D.)
no. 223-229, dated
18th Feb. 1910.

933. Reports of the conviction, by criminal courts, of reservists of the Indian Army who are sentenced to transportation or to imprisonment for any term exceeding three months should be sent by the courts passing the sentences to the Adjutant-General in India.

Conviction of reservists.

Cf. G. O. no. 63,
dated 30th May
1879.

934. Whenever a magistrate forwards any convict or under-trial prisoner of desperate character or notorious criminality to the superintendent for confinement in jail, he should not fail to draw his particular attention to the prisoner's antecedents, and to the expediency of providing special measures for his secure custody.

Conviction of dangerous characters.

Cf. G. O. no. 6A,
dated 19th Feb.
1866.

935. No magistrate has the right to bind the Government to a remission of sentence, as he virtually does by promising representation in favour of a prisoner, without authority specially obtained beforehand.

Promises not to be held out to prisoners without authority.

Cf. G. O. no. 9A,
dated 16th Apr.
1864.

936. Children in arms and under two years of age should remain with their mothers. Children of or beyond that age should not under any circumstances be allowed to accompany their mothers to jail or remain with their mothers in confinement. The Magistrate of the district of which the prisoner is a resident is charged with the duty of arranging for the proper care of such children. If any relative be willing to take them, they should of course be made over to him, and if the father can provide for the child he should be compelled to do so under section 488 of the Criminal Procedure Code. But if the father be dead or in jail or not forthcoming, and if the relatives will not take the child, the Magistrate should make the best arrangement possible, either by placing the child in some institution or by entrusting it to some respectable person to bring up (*cf* paragraph 62).

Note.—Charges on this account, countersigned by the Commissioner, should be included in the judicial contingent bill of the Magistrate.

Cf. G. O. no. 2627/
VI—142, dated 2nd
Sept. 1899.

937. Sessions Judges should bear in mind that it is for them to refer to the Government any case (whether of child murder by the mother or of any other kind) in which the minimum legal penalty has been awarded and confirmed in appeal, but in which the Sessions Judge desires to recommend a mitigation of the punishment.

Mitigation of a minimum legal penalty.
(a) General.

Cf. G. G. O. (H. D.)
no. 15-1105, dated
26th Sept. 1879.

Cf. G. O. no. 362/
VI—142-1, dated
5th March 1885.

938. The following procedure (except where the Judge of the court of appeal or reference desires, in a case that has come under his notice, that a recommendation for mercy should be made) should be observed in cases in which women are convicted of murdering their illegitimate children under circumstances that suggest a commutation of the punishment prescribed by the law for murder :—

(b) Child murder.

(a) in cases where sentence of death is passed, a copy of the orders of the High Court or the Judicial Commissioner on the reference made to the Court should be submitted to the Government as soon as that order has been certified to by the Sessions Judge. The Government will then, if necessary, call for the record.

Chapter XLIII.—Applications and appeals to the High Court.

A.—Applications for bail.

Cf. G. O. no. 2422/VI—517C., dated 27th Aug. 1904.

939. (1) Rule 179 of the rules of the High Court provides that, except in exceptional circumstances, no order for admission to bail will be made by the High Court without previous notice in writing to the public prosecutor. That notice, however, expires within 24 hours, and, unless the public prosecutor can within that time give very strong reasons for refusing bail, bail is likely to be granted. Very early intimation, therefore, should be given to the public prosecutor in those cases in which it is considered that an application for admission to bail should be opposed. There should be no difficulty in doing so, as admission to bail should never be opposed unless there are really substantial reasons for such a course, e.g. especially if the accused has absconded previously. In these rare cases intimation can and should be given to the public prosecutor as soon as the conviction has been secured and before an appeal is filed.

(2) The public prosecutor will use his own discretion if he receives no instructions or if the grounds for opposing bail appear to him inadequate.

B.—Application for transfer of criminal cases.

Cf. G. O. no. 2704/VI—911C., dated 14th Sept 1898.

940. Applications by a Sessions Judge or District Magistrate for the transfer of a case from his own court should ordinarily be made by a report contained in a letter addressed to the Registrar of the High Court. If, however, in such cases the circumstances are exceptional, and it is considered that a formal motion for transfer should be made by the Government Advocate, or by the Government Pleader for Oudh, and whenever the District Magistrate considers that a criminal case should be transferred from the court of a Sessions Judge, the following procedure should be adopted:—

(a) A letter should be addressed to the Legal Remembrancer, requesting him to instruct the Government Advocate, or the Government Pleader for Oudh, as the case may be, to make one or more of the motions indicated in classes (i), (ii), (iii), (iv) of sub-section (1) of section 526 of the Code of Criminal Procedure, 1898. It should be stated under which clause, (a), (b), (c), (d), or (e), of the above sub-section the case falls, and the reasons for requesting that motion for transfer should be made must be stated in full detail.

(b) If the Legal Remembrancer concurs in the advisability of making the application, he will give the necessary instructions to the Government Advocate, or to the Government Pleader for Oudh, as the case may be. If he does not concur, he will refer the case to the Government for orders:

Provided that whenever a District Magistrate requests the Legal Remembrancer to take steps to procure the transfer of a case from the court of a Sessions Judge, the Legal Remembrancer shall refer the request for the orders of the Government, with his opinion thereon.

C.—Appeals and applications for revision.

Cf. G. O. no. 3589, 2444, 1264 and 2254/VI—517C., dated 26th Sept. 1894, 4th Sept. 1895, 22nd Apr. 1908, and 28th July 1908.

941. The procedure laid down in paragraphs 942—946 should be followed in all cases in which a District Magistrate considers that—

- (1) an appeal should be preferred by the Government under section 417, Criminal Procedure Code, from an original or appellate judgment of acquittal passed by a Sessions Judge or from a judgment of acquittal passed by a subordinate magistrate;

- (2) an application should be preferred for revision, with a view to enhancement of sentence or otherwise, of a judgment passed by a Sessions Judge, or for the revision of any order passed by a Sessions Judge.

942. The Magistrate will submit a brief narrative of the facts of the case, with his reasons for considering an appeal or application for revision advisable, to the Commissioner, along with all the original records and police diaries connected with the case. A certified* copy of the judgment in question should also be forwarded, as it will be required by the public prosecutor if the Government accepts the Magistrate's recommendation. No marginal notes or underlining should be made on the certified copy.

943. If the Magistrate wishes to examine the record of a case decided by the Sessions Court in which he thinks that an appeal or an application for revision is probably expedient, before he submits a recommendation to this effect to the Government, he may obtain the record from the Sessions Court by requisition under rule 91 of the rules for criminal courts subordinate to the High Court, or rule 207A of the Oudh Criminal Digest.

944. When the Commissioner receives a recommendation under the rule in paragraph 942 from a District Magistrate, he will forthwith submit it and the connected records to the Government with his own opinion upon the case, whether he agrees or not with the Magistrate, provided that he may refuse to send on to the Government any case in which he is clearly of opinion that there should not be an appeal. If it be a sessions case and the sessions record has not already been obtained from the Sessions Court, the Commissioner should ordinarily obtain it before forwarding the Magistrate's recommendation to the Government. But he may submit the recommendation without it, when delay seems inadvisable.

945. District Magistrates should bear in mind that the Government is unwilling to exercise its right of appeal in petty or unimportant cases, and that it will not exercise it merely because the judgment sought to be set aside is not in accordance with that of the lower court. The Magistrate must show that the recorded evidence clearly warranted a conviction, and that an avoidable failure of justice has manifestly taken place. Similarly the Magistrate should not recommend an application for revision with a view to enhancement of a sentence, if the only enhancement permissible by the law would be comparatively small.

946. A recommendation under paragraph 941 (2) should be made by the Magistrate as soon as possible after the judgment to which it relates has been passed, and should be submitted without delay by the Commissioner to the Government. The Government will require a full and detailed explanation whenever a Magistrate's recommendation fails to reach it within one month from the date of the judgment.

947. Magistrates are requested in all cases in which they intend to refer a case to the Government for an application for revision to give prompt notice of their intentions to the Government Advocate direct. The Government Advocate will then be in a position to ask the court not to dispose of any appeal from the

*Cf. G. O. no. 274/
VI—517C., dated
5th Feb. 1904.*

Prompt notice to be given to Government Advocate direct of appeals and applications for revision.

* *Note.*—A "certified copy" of a judgment means a copy duly certified and sealed as required by section 76 of Act I of 1872.

prisoner until he has ascertained whether the Government intend to make an application for revision.

cf. G. O. no.
3135/VI—308D., da-
ted 17th Sept. 1900.

948. When superintendents of police desire to obtain the records of cases tried by sub-divisional magistrates where they think an application for revision desirable, District Magistrates should see that the High Court's and the Judicial Commissioner's rules on the subject of obtaining records are strictly observed, and that neither the superintendent of police nor the prosecuting inspector obtains a record, simply by applying for it, either from the court or from the record room. District Magistrates are not permitted to delegate to the superintendent or any officer of police their power of signing the requisition for a record, but are expected to exercise an independent judgment and themselves to obtain the record when the superintendent shows sufficient cause, and allow that officer to see it. The superintendent's application to the District Magistrate on the subject and any other note made by him for the Magistrate's consideration in connection with the case are on no account to be made upon, or to remain with, the judicial file. They must remain with the District Magistrate's own file, and should be destroyed as soon as possible when no longer required.

Chapter XLIV.—Administration of jails.

949. The District Magistrate shall, in the absence of any officer specially ordered by the Government to do so, assume charge of the jail. This control he may immediately exercise himself, or he may appoint any salaried magistrate under him or the superintendent of police or an assistant surgeon (of not less than 10 years' standing in the service) in civil medical charge of the district, to assume charge of the jail, reporting his action at once to the Inspector-General of Prisons.

Cf. G. O. no. 68, dated 6th Oct. 1877.
Cf. G. O. no. 1, dated 13th Jan. 1864, no. 126, dated 6th Sept. 1879, and no. 1733/VI—201, dated 9th June 1908.

Note 1.—A deputy magistrate and collector should not be put in charge of a district jail unless he has completed five years' service as a magistrate. The previous sanction of the Government, which will be granted only in very special circumstances, must be obtained to any departure from this rule.

Cf. G. O. no. 2220/VI—664B.36, dated 9th July 1902.

Note 2.—The power of placing the superintendent of police in charge of the jail is to be exercised as a last resort only, when no other arrangement is practicable. When such an arrangement is made, the circumstances which rendered it unavoidable should be fully explained at the time the transfer of the charge is reported. As a rule, the charge of the jail, failing the civil surgeon, should be held by one of the magisterial staff.

Cf. G. O. no. 25, dated 3rd May 1880.

950. When in any district a medical officer newly appointed to the civil department in these provinces or placed in charge of civil medical duty takes the place of the civil surgeon, it is the duty of the Magistrate to assume charge of the jail. The newly appointed officer, not being qualified for the post, should not be given charge of the jail by the civil surgeon whom he relieves. The Magistrate having taken charge should then report regarding the fitness of the new medical officer to the Inspector-General of Prisons, who will make his recommendation to the Government in the matter.

Cf. G. O. no. 3553/VI—352B, dated 5th Nov. 1897.

951. If a civil surgeon in charge of a district jail is absent on duty in his district for over 24 hours the District Magistrate should depute a magistrate of the district staff (or should it happen that, owing to sickness, no magistrate is available at the time the superintendent or assistant superintendent of police) to perform the duties of superintendent.

Cf. G. O. no. 1743/VI—345, dated 7th June 1909.

952. The Magistrate of the district shall personally visit the district jail at least once a month: in his absence from the station he may depute the joint magistrate to visit it in his stead. The date of these visits shall be recorded in the visitors' book, and any orders, remarks or suggestions made shall be entered therein unless the District Magistrate considers it expedient in any special case to communicate them separately to the superintendent.

As in paragraph 949: also *Cf.* G. O. no. 3442/VI—215C, dated 1st Nov. 1897.

953. The superintendent of a district jail is bound to carry out all orders of the Magistrate, reporting the instructions he has received, with such remarks as he considers necessary, to the Inspector-General of Prisons.

Note.—The Magistrate is not to interfere unnecessarily with the management of the jail so as to weaken the superintendent's authority and any orders he may give shall be issued through the superintendent of the jail.

954. The Magistrate of the district, in all matters affecting the discipline and management of the jail, shall report to the Inspector-General of Prisons any important step he may consider it necessary to take.

cf. G. O. no. 2480 and 1098/VI—994B, dated 27th Sept. 1892 and 6th May 1893.

As in paragraph 949: also *cf.* G. O. no. 2599/VI—215C, dated 15th Sept 1893.

955. Non-official visitors may be appointed to central prisons: the number appointed to each prison shall not exceed six. Their term of office is two years. A retiring visitor is eligible for reappointment.

956. Commissioners of divisions and Sessions Judges are *ex-officio* visitors of all jails and lock-ups within their respective jurisdictions. The Inspector-General of Civil Hospitals is *ex-officio* visitor of all jails and lock-ups in the United Provinces.

The District Magistrate of the district is also *ex-officio* a visitor of any central prison situated in his district.

Note.—The Magistrate has not been appointed a visitor of the district jail because, as the head of the district, his responsibility in respect of that jail is much more direct. By the present rule he is required to visit the jails at least once a month. If he takes a real interest in his work, he will visit it much oftener. By parading the under-trial prisoners and examining the warrants of men admitted to jail, he can keep himself acquainted with the action of the subordinate magistrates with little trouble to himself.

957. The senior resident officer shall be the chairman of the visitors and shall make arrangements, so far as may be necessary, with regard to the turn of visiting, &c. The following minimum number of visits shall be paid in the year:—

Central prisons	(1) By Commissioners—three visits, except in the case of Fatehgarh Central Prison, which shall be visited by the Commissioner whenever he visits Fatehgarh.
	(2) By Judges and Magistrates—three visits each.
District jails and lock-ups.	(1) Jails and lock-ups at head quarters of Commissioners and Judges—three visits shall be paid by each officer to each jail and lock-up.
	(2) At other places the jails and lock-ups shall be visited by the Commissioner and Judge whenever those officers visit the outstations at which they are situated.

958. The visitors may call for all books, papers and records of every department of the jail; they shall visit every ward, yard and cell and see every prisoner in confinement, and they shall ascertain whether the rules and orders are attended to.

The official visitors shall record their visit and any remarks or suggestions they have to make in the visitors' book, and the superintendent shall at once forward a copy of such record to the Inspector-General of Prisons for the issue of suitable orders. Where the remarks of the official visitors require explanation such explanation shall invariably accompany the copy.

cf. G. O. no. 1, dated 10th Jan. 1878.

Note.—Remarks with regard to the internal arrangements of the jail, or the state of discipline maintained therein, should alone be recorded in the visitors' book. Visitors of jails, when they believe that a change is advisable in any branch of the sanctioned system of jail administration, should refer their opinions to the Government, either directly or (as will probably be found preferable in most cases) through the Inspector-General of Prisons.

959. In the matter of the admission of visitors to jails, the authority of a high officer of the Government, such as the Commissioner, should be fully recognised. With him should ordinarily rest the final authority of ordering or refusing such admissions. In this view, a day and hour should be fixed weekly, on which all respectable persons who may present themselves should be allowed admission to the jail; and a notice should be posted in conspicuous places declaring that persons will not be admitted on any other occasions, except under the orders of the chairman of the visiting committee, whose designation and address should also be notified. This restriction is not intended to prohibit the superintendent from admitting persons whom he may wish to show round the prison at any other time. Should he, however, refuse admission to any person so demanding it, he should at once inform the chairman of the visiting committee, or record the matter prominently in the jail records, over which the visitors are at any time entitled to look.

Cf. G. O. no. 167b,
dated 21st June
1881.

Juvenile prisoners.

960. The rules regarding the treatment of juvenile prisoners are contained in the Jail Manual.

Prisoners between the ages of 16 and 20 years (and in exceptional cases 22 years) are detained in the juvenile* jail at Bareilly, provided that

- (1) they are not classified as "habitual criminals;"
- (2) they have not been convicted of unnatural crime; and
- (3) they do not belong to the criminal tribes.

Note.—Vide paragraph 930.

961. In every case of an escape from a jail the Magistrate of the district (or, in his absence, the magistrate in charge at head quarters), immediately on receiving intimation of the occurrence, shall himself make an investigation into the circumstances of the escape and submit a report to the Inspector-General of Prisons, with such recommendations as he may think fit to make in regard to the jail officials concerned. The report, if not prepared by the District Magistrate, should be sent through him.

Cf. G. O. no. 775,
dated 31st May
1879.

Escapes.

962. Prison officials who are believed to have committed offences under the Prisons Act, 1894, should not be prosecuted until a reference has been made to the Inspector-General of Prisons in order that he may determine whether the offender should be punished departmentally or prosecuted criminally (vide paragraph 81 of the Jail Manual).

Cf. G. O. no. 9A,
dated 30th June
1877.

Prosecution of jail officials.

Note.—No investigation by the police shall be made inside the jail except under the orders of the District Magistrate.

Cf. G. O. no.
3983/VI—19B-1951,
dated 10th Dec.
1897.

**Note.*—District Magistrates should assist the committee of visitors to the Bareilly juvenile jail in their efforts to prevent youths from lapsing into crime after their release from the jail. Local committees have been also formed in each district to assist the committee of visitors.

Cf. G. O. no.
3201/VI—445, dated
9th Sept. 1910.

Chapter XLV.—Conditional release of convicts.

I.—CONVICTS OTHER THAN TRANSMARINE CONVICTS.

A.—Remission rules.

963. The rules for the remission of sentences are contained in the Jail Manual.

Cf. G. O. no. 2408/
VI—558, dated 29th
June 1910.

964. (1) When a convict is admitted into a jail under a sentence of transportation or imprisonment, whether for life or a term, on conviction for an offence classified as heinous in the first explanation hereto annexed, the superintendent of the central prison shall forthwith ascertain from the Magistrate of the district in which the conviction was obtained—

- (1) whether the said convict is a professional, hereditary, or specially dangerous criminal; and
- (2) unless this is of the essence of the offence, whether the crime of which he was convicted was “organized” within the meaning of the second explanation hereto annexed.

Explanation I.—The following offences are classified as “heinous” :—

Offences punishable under the provisions of the Indian Penal Code or any other law with a sentence of death, transportation for life, or a sentence of seven or more years imprisonment and offences punishable under the provisions of sections 147, 148, 152, 153A, 212, 379, 411, Indian Penal Code, provided that the final substantive sentence inflicted shall be of transportation or of imprisonment for a term of not less than two years.

Explanation II.—A crime is said to be “organized” when it is committed by one or more of a body of persons associated for the purpose of committing such crime or crimes of a similar nature.

(2) The Magistrate shall determine the question by a reference to the record of the case, or by further inquiry if necessary.

B.—Surveillance of convicts conditionally released.

Definitions.

Rule I.

965. In these rules, unless a different intention appears from the subject or context,—

- (1) the expression “Remission rules” means the rules regulating the shortening of sentences made by the Governor General of India in Council in exercise of the power conferred by sub-section (5) of section 59 of the Prisons Act, 1894, and all other powers in that behalf, for the time being in force;
- (2) the term “convict” means a convicted prisoner to whom the remission rules are applicable, and includes a convicted prisoner who has been released before the expiration of his sentence under the provisions of those rules;
- (3) the expression “conditional release” means the release of a convict of either class 1 or class 2 of the classes of convicted prisoners specified in rule 2 of the remission rules, before the expiration of his sentence, upon his earning a remission of sentence under the said rules, on the conditions specified in the order of conditional release and subject to these rules;

- (4) the term "District Magistrate" means the District Magistrate for the time being of the district in which a convict who is conditionally released is so released, and includes any other magistrate for the time being appointed by the District Magistrate to discharge his duties under these rules ;
- (5) the term "superintendent of police" means the superintendent of police for the time being in the district in which a convict is conditionally released and includes an assistant or deputy superintendent of police in such district ;
- (6) the term "superintendent" means the superintendent of the jail in which a convict who is to be either conditionally or unconditionally released is confined at the time when such release is to take place.

966. At least one month before any convict is entitled to be conditionally released under the provisions of the remission rules, the superintendent of the jail in which the convict is confined shall, in the case of a life convict in class 1, fill up an order of conditional release in the prescribed form and submit it to the Local Government in the judicial department direct for orders. In the case of a term convict in class 1 or any convict in class 2 he shall himself complete form A-I. He shall at the same time inform the District Magistrate of the action taken in order that the latter may decide upon the place at which the convict is to be required to reside under rule XI, before the convict is released, and may instruct the police accordingly.

General conditions.
*Rule V.

967. If an order for conditional release is issued by the Local Government in the case of a life convict in class 1, or by the superintendent of the jail in the case of a term convict in class 1 or any convict in class 2, the District Magistrate concerned shall be informed of the impending release of the convict and the superintendent shall deliver to the convict a vernacular translation of the order of release, and shall require him to execute the agreement on the back of the order. The superintendent shall then sign a certificate that the agreement has been executed.

Rule VI.

968. If the convict is not to reside in the district in which the central prison is situated after the release has been sanctioned under rule VI, the superintendent will arrange for the transfer of the convict under police escort to the district jail of the district where the convict is to reside, so that he may arrive in that jail at least one day previous to the probable date of release. The original order of release shall be sent with the convict. In other cases the convict will be released on the proper day by the superintendent of the central jail.

Rule VII.

969. A convict who is unwilling to abide by the prescribed conditions of release shall not be released till the expiry of his judicial sentence. The most ordinary case of this sort would be a convict belonging to a wandering or criminal tribe who is frequently unwilling to settle down in one place where police surveillance can be exercised over him.

Rule VIII.

970. The Commissioner of Kumaun may, with the previous sanction of the Government, permit such modification as he may find necessary in any of the police surveillance rules in the districts of Almora and

Garhwal.

971. On the day for release the superintendent of the central prison or the superintendent of the district jail to which the convict has been transferred under rule VII will forward the convict with a descriptive roll and a copy of the order of release (with date of release duly endorsed thereon) to the superintendent of police or the District Magistrate as the latter may by general rule direct. The original order of release will be retained by the superintendent of the jail of release.

Police surveillance
(a) Residence
Rule X.

972. When the released convict is brought before the District Magistrate the Magistrate shall either himself, or through the superintendent of police, intimate to him the place at which he shall reside for the period of remission, the times and places at which, and the officer to whom, he shall periodically report himself. A written order containing the above particulars shall be given to the released convict, and if issued by the District Magistrate himself, a copy shall be sent to the superintendent of police.

Rule XI.

973. The written order prescribed in the preceding rule shall be produced by the convict whenever its production for inspection is required by any magistrate or police officer.

Rule XII.

974. A translation of the order of release and the order of the District Magistrate or superintendent of police shall be sent by the superintendent of police to the officer in charge of the police station within the limits of which the released convict will reside, who shall enter the man's name at once in the register of conditionally released prisoners.

Rule XIII.

975. If the District Magistrate permits the released convict to change his place of residence permanently, and the new place of residence is within the jurisdiction of a different police station, a copy of the register relating to him shall be forwarded to the officer in charge of such station.

Rule XIV.

976. The officer in charge of the police station shall ascertain from the chairman of the village concerned that the convict has taken up his residence at the prescribed place, and shall report to the superintendent of police if he fails to do so within four days.

Rule XV.

977. In the event of the released convict failing to take up his residence in the prescribed place, the superintendent of police shall forward the descriptive roll of his person, together with details of his crime, sentence, previous convictions, name of district in which he was imprisoned, the jail from which he was released and date of release for publication in the *Police Gazette*.

Rule XVI

978. The register of conditionally released convicts will be maintained at all police-stations. Remarks as to character, conduct and occupation will be made by the officer in charge of the police station—

Rule XVII.

(a) in the case of conditionally released class 1 prisoners—see remission rule 2(b)—once a month;

(b) in the case of conditionally released class 2 prisoners—see remission rule 2 (c)—once a quarter.

979. Every convict who has been conditionally released shall, unless the District Magistrate otherwise directs, report himself to the officer in charge of the police station within the local limits of which he is required to

(b) **Reporting.**
Rule XVIII

reside or is present under authority of a pass—

(a) if he is a convict falling under class 1 of rule 2 of the remission rules—once a month;

(b) if he is a convict falling under class 2 of rule 2 of the remission rules—once a quarter:

Provided that the District Magistrate may, in the case of any such convict, by order in writing, direct that such convict shall report himself more frequently or less frequently than is required by this rule, or may, for special reasons to be recorded in the order, exempt any such convict from so reporting himself periodically.

980. Except to make his periodical report, or for a few hours during the day to attend market or transact other business,

(c) **Passes.**

Rule XIX.

or when summoned or sent up as a witness, a conditionally released convict shall not during the period of remission absent himself from the village within which he has been directed to reside without a pass granted by the superintendent of police. Any conditionally released convict applying for a pass shall state the places he proposes to visit, which shall then be entered on the pass:

Provided that no pass shall be granted to any convict who has been conditionally released, permitting such convict to be absent from the place where he is required to reside—

(a) in the case of a convict falling under class 1 of rule 2 of the remission rules—for more than fifteen days at any one time;

(b) in the case of a convict falling under class 2 of the remission rules—for more than one month at any one time.

981. Intimation shall be sent to the officers in charge of the police stations in the jurisdiction of which such places are

Rule XX.

situated, and the released convict shall be required to report himself to the police officers in charge of such stations and obtain their signatures on his pass.

982. Every pass granted under these rules shall state—

Rule XXI.

(a) the name, father's name, caste and residence of the convict to whom it is granted;

(b) the place or places covered by the pass;

(c) the period of absence permitted; and such other particulars which it may be thought desirable, by the superintendent of police, to have inserted therein.

983. Every convict granted a pass under these rules shall report

Rule XXII.

himself to the officer in charge of every police station within the local limits of which any place which he is permitted by his pass to visit is situate. If any such convict omits so to report himself the fact shall be forthwith reported by the officer in charge of the police station, to whom such convict should have reported himself, to the superintendent of police who granted the pass.

984. Every convict granted a pass under these rules shall, on the

Rule XXIII.

expiration of the period for which such pass was granted, report himself to the officer in charge of the police station within the local limits of which he is required to reside.

985. A close watch shall be kept over each conditionally released

(d) Breach of rules and conditions.

Rule XXIV.

convict, and any breach of the conditions of release shall be at once reported to the superintendent of police by the officer in charge of the police station.

986. Any convict detected in the commission of a breach of the

Rule XXV.

conditions of his release shall be at once apprehended by the police and his case reported for the orders of the District Magistrate, who may either detain the convict in custody, pending the orders of the Government, or, if he considers detention unnecessary, may order the convict's release. In any case he shall report his action for the information of the Government, which may direct that the convict's remission may be cancelled. The convict may thereupon, if he has been released by the District Magistrate, be arrested without warrant by any police officer and remanded to undergo the unexpired portion of the sentence under section 401, Code of Criminal Procedure, 1898.

987. A convict who shall elect to leave British India and return to

(e) Convicts whose homes are in the territory of native states, &c.

* Rule XXIX.

his home in *independent territory* shall, after his conditional release has been ordered in form B, be conducted with all reasonable despatch and under police escort to such place on or in the vicinity of the border between British India and the *independent territory* in which his home is situated as the District Magistrate or superintendent of police shall direct and shall there be released and ordered forthwith to leave British India. Due intimation of the release of the convict and of his return to his home shall be given by the District Magistrate or superintendent of police to the *independent territory* in which the home of the convict is situated.

II.—TRANSMARINE CONVICTS.

988. Any life convict sentenced for dakaiti may be recommended

Rules regarding the release of life convicts.

(a) Dakaitis.

for release by the officers in charge of the penal settlement after 25 years of transportation in the case of a convict at the Andamans, and after 30 years in the case of a convict in British Burma and the Straits Settlement: provided that the convict in whose behalf such a recommendation is made

C.J. G. G. O. (H. D.)
no. 11/1487-99, dated
16th Nov. 1931.

* Note.—Rules XXVI—XXVIII not reprinted.

is considered to have earned a claim to the indulgence by a sustained course of good conduct in transportation. On receipt of the recommendation by the Government of India, the Local Government, from whose jurisdiction the convict was transported, will be asked to report whether he belonged to any professional gang, or was known to be a hereditary dakait; also whether any members of his family, or any of their connections, are living; and, if so, how they are employed; and generally whether release can safely be granted conditionally on police surveillance and residence in a place to be assigned by the Local Government. In the event of the report being considered favourable, release will be sanctioned subject to the foregoing or such further conditions, if any, as the Local Government concerned may think fit to suggest, and as may commend themselves to the Governor General's Council.

989. (1) In the case of life convicts under sentence for dakaiti whose

(b) **Invalid dakaiti.** health may have broken down at the penal settlements, the authorities in charge of the settlements may recommend release before the expiry of the periods specified in the preceding paragraph. In these cases the Governor General in Council will be prepared to consider the question of releasing them, provided that there is no valid objection to this, and that they have friends or relatives who are able and willing to support them.

(2) The foregoing orders may be held to apply to prisoners

Persons convicted of certain other organized crime. convicted of any other class of organized crime not being thagi or robbery by administering drugs.

990. In the case of invalid life convicts other than the above the following orders relate to their release from the Andamans:—

Cf. G. G. O (H. D.)
no. 76, dated 7th
Feb. 1903.

- (1) Recommendations for release should be submitted only on behalf of prisoners who are actually moribund, whether from disease or infirmity, and whose condition is such as to incapacitate them not only from committing crime, but also from inciting other persons to its commission.
- (2) Before a recommendation is made on behalf of an invalid convict it should be ascertained that he or she has relatives or friends who are willing to receive and take care of him or her.
- (3) In cases of incapacity resulting either from infirmity or from diseases which do not come within the terms of clause 4 recommendations should be made only in cases where the prisoner has already passed 15 years in the Andamans.
- (4) In the case of diseases which are believed to endanger the health of the convict community recommendations may be made at any time irrespective of the length of time passed by the convict in the Andamans, but all such recommendations should be accompanied by full details of the case, with an exact statement of the medical officer's reasons for recommending release under this rule.
- (5) No recommendation should be preferred in respect of prisoners who have married in the Andamans and whose wives or husbands, as the case may be, are alive and capable of supporting and looking after them.

Chapter XLVI.—Capital punishment.

Cf. G. O. no. 786A.,
4052 and 1459-881D,
dated 25th May
1875, 20th Dec. 1906
and 21st May 1907.

991. Intimation of an execution shall be sent by the superintendent of the jail to the District Magistrate on the day previous to that fixed for the execution. The Magistrate shall be present himself, or appoint a joint or assistant magistrate or a full-powered deputy collector to be present, at the place of execution before sunrise on the day fixed. The Magistrate shall also instruct the superintendent of police to order for duty a party from the reserve, consisting of the reserve inspector, if available, or in his absence a sergeant or sub-inspector, with at least two head-constables and 12 constables, armed with muskets and having ball ammunition in their pouches. * * * *

Note—See also the Jail Manual.

Cf. G. O. no. 1937/
VI—994C, dated 6th
July 1899.

992. When a sentence of death has been passed on a British soldier by general court-martial, the military authorities will decide whether the execution should be carried out in the civil jail or in the open ground. The civil authorities will at once be communicated with, and at stations where there is a civil jail the gallows will be obtained from the officer in charge of it and erected by the public works department. * *

The hangman should be obtained from one of the Magistrates of the districts detailed below, and he should be required to bring with him all requisites, including a rope, the strength of which must be properly tested. When a convict hangman is supplied, he will be sent in charge of a minor jail official, who will be responsible for the presence of the man and for his behaviour at the place of execution. All necessary charges will be paid by the chief commissariat officer of the district or his assistant in charge of the out-station at which the execution may take place, as the case may be:—

Agra.	Bareilly.	Cawnpore.	Mirzapur.
Allahabad.	Bonares.	Lucknow.	Saharanpur.
	Budaun.	Meerut.	

Cf. G. O. no. 4888/
VI—303D, dated
31st Dec. 1900.

993. When a prisoner under sentence of death develops insanity after conviction and sentence, the execution of the sentence of death should be stayed, and a report submitted immediately by the District Magistrate, through the Sessions Judge, for the orders of the Government. On receipt of the report, the Government will, as a rule, and unless a rapid recovery of sanity in the prisoner is looked for, commute the sentence to one of penal servitude for life, and the provisions of the law regarding the removal of insane prisoners to lunatic asylums can then be applied to the case.

Chapter XLVII.—Absconded and fugitive offenders.

A.—Arrest of offenders at Aden.

994. When an alleged offence for which the arrest at Aden of persons on their way to Europe is desired, has been committed outside the Bombay Presidency, the Government of Bombay will direct the Political Resident at Aden to arrest the offender on his arrival there, provided that the application for arrest is made in the name of the Government of the province within whose jurisdiction the offence has been committed. If the application is made by an officer subordinate to another Government, the Bombay Government will consult their legal advisers as to the propriety of complying with the application.

*Cf. G. O. no. 40,
dated 22nd Nov.
1883.*

District officers should, therefore, be guided by the following principles in cases of this nature:—

(1) If application is made for the arrest of a person supposed to have left Bombay by sea, no steps to effect an arrest should be taken unless it is clear that the case is *bond fide* a criminal one, and not a matter for which a civil action might be brought, and to which a criminal colouring has been given by the complainants for motives of their own.

(2) If it is desired to arrest a person at Aden, application should, as a rule, be made to the Government, which will communicate with the Government of Bombay.

(3) If for any reason it is not possible to apply to the Government, application should be made to the Commissioner of Police at Bombay, with explanation of the reasons necessitating a direct application.

B.—Fugitive offenders.

995. In connection with the extradition of offenders arrested outside British India, magistrates before whom proceedings are taken under section 512, Criminal Procedure Code, 1898, should inform the Director of Criminal Intelligence, Simla, of the issue of warrants, and no reference should be made to the local criminal investigation department.

*Cf. G. O. no. 3102-
3105/VI—588, dated
3rd Oct. 1908.*

996. In order to secure the return of fugitive offenders, evidence should be taken that the person against whom the warrant is applied for has absconded; then evidence that an offence has been committed by such person should be faithfully and minutely recorded under section 512 of the Code of Criminal Procedure. If the court upon such evidence issues a warrant, the warrant should be in the form prescribed by section 75 and directed as required by section 77. Evidence should be taken showing clearly that the offence charged is one to which part I of the Fugitive Offenders Act applies, or at least a certificate from the magistrate should be appended to the warrant, clearly showing that the offence charged therein is one punishable with rigorous imprisonment for a term of 12 months or more (see section 9 of 44 and 45 Vic., cap. 69, and compare paragraph 998 below). All the evidence should be taken, if possible, in the presence of the police officer to whom the warrant is addressed, and to whom it is desired that the fugitive offender should be delivered.

*Cf. G. O. no. 247/
VI—50B, dated 10th
Dec. 1887.*

A copy should be made of every deposition and every documentary exhibit ; and each copy should contain a declaration, signed by the magistrate as such, that it is a true copy of the deposition taken by himself, or an exhibit produced before him, as the case may be. The whole of the copy of the record thus made should then be entrusted to the police officer to whom the warrant is addressed, who will be in a position to authenticate every portion of it when produced by him in the possession in which the fugitive offender is.

When the presence of the police officer who is to execute the warrant cannot be obtained at the proceedings referred to, then each copy must, before being entrusted to the police officer, be sealed with the seal of the Lieutenant Governor. Although, when the documents can be authenticated by the oath of a witness in the possession from which it is desired to procure the delivery of the offender, the seal of the Lieutenant Governor is not essential, it is expedient that the seal should be affixed whenever it can be conveniently done.

If the police officer entrusted with the execution of the warrant is unable to identify the accused, he should be accompanied by some person able to identify the accused to the possession from which the return of the accused is desired.

Cf. G. G. O. (H. D.) no. 17-101-G, dated 27th June 1895.

997. The approval of the District Magistrate should be obtained by subordinate magistrates where action under the Fugitive Offenders Act, 1881, seems requisite.

Cf. G.G.O. (H.D.) no. 817, dated 8th June 1907.

Cf. G. O. no. 1910/VI—50B, dated 3rd July 1907.

998. (1) In all applications for the removal of an offender from the United Kingdom under the Fugitive Offenders Act, 1881 (44 and 45 Vict., cap. 69), it must be proved *by evidence* that the acts with which the accused is charged amount, under the law in force in the British possession from which the application for his rendition has been received, to an offence punishable by 12 months' imprisonment with hard labour or some greater punishment.

(2) The most convenient method of securing this will be to arrange that all applications of the nature in question shall be accompanied by the deposition of a judge, advocate, barrister, solicitor or any official in a position from which a knowledge of the law may be presumed, duly authenticated in the manner provided for by section 29 of the Fugitive Offenders Act, and containing the necessary evidence. The course indicated above should ordinarily be followed in future.

(3) Cases may occur in which the adoption of the above-mentioned course would not be quite suitable. In such cases, since a point of Indian law may also be proved by oral evidence, arrangements can, if necessary, be made for the attendance of any competent witness who happens to be available in England at the time (e.g. judicial officers employed in India who are at home on leave, barristers of the Indian High Courts, &c.) who would be able to furnish the necessary evidence.

C.—Orders regarding the attached property of absconded offenders.

Cf. G. O. no. 18A, dated 5th Jan. 1874.

999. Section 88 of the Criminal Procedure Code provides that the property attached thereunder shall be at the disposal of the Government, but that it shall not be sold till the expiration of six months, unless it is of a perishable nature or the magistrate considers that the sale would be for the

benefit of the owner ; but it does not prescribe that the property *must* be sold, and unless the circumstances are very exceptional (such for example, as involve treason against the State), sale ought not to take place in the case of immovable property, such as land, houses, &c.

When the accused person does not appear at the end of six months, immovable property attached should continue to be held under attachment until the expiration of the two years contemplated in section 89, and should he then fail to appear, the orders of the Government for the final disposal of the property should be solicited, with a statement of the facts of the case.

Note.—The Government, at whose disposal are the sale proceeds, considers it desirable that, so far as may be possible, the attachment and sale of undivided shares in houses belonging to a joint family of Hindus should be avoided because in practice such action results in the virtual imposition of a money fine upon the innocent members of the family, who are driven, in their own interests, to purchase the share of the defaulter.

Cf. G. O. no. 3748/
VI—816D, dated
13th Dec. 1905.

Chapter XLVIII.—Extradition.

A.—From British territory to Native States.

Cf. G. O. no. 1431
and 2102/VI—637C,
dated 2nd June
1904 and 28th June
1905.

1000. The Political Agent shall not issue a warrant under section 7 of the Indian Extradition Act, 1903, in any case which is provided for by treaty, if the state concerned has expressly stated that it desires to abide by the procedure of the treaty, nor in any case in which a requisition for surrender has been made by or on behalf of the state under section 9.

1001. The Political Agent shall not issue a warrant under section 7 except on a request preferred to him in writing either by or by the authority of the person for the time being administering the executive government of the state for which he is a Political Agent or by any court within such state which has been specified in this behalf by the Governor General in Council, or by the Governor of Madras or Bombay in Council as the case may be, by notification in the official gazette.

1002. If the accused person is a British subject the Political Agent shall, before issuing a warrant under section 7, consider whether he ought not to certify the case as one suitable for trial in British India, and he shall, instead of issuing such warrant, so certify the case if he is satisfied that the interests of justice and the convenience of witnesses can be better served by the trial being held in British India.

1003. The Political Agent shall in all cases before issuing a warrant under section 7, satisfy himself, by preliminary inquiry or otherwise, that there is a *prima facie* case against the accused person.

1004. (1) The Political Agent shall, before issuing a warrant under section 7, decide whether the warrant shall provide for the delivery of the accused persons—

- (a) to the Political Agent or to a British officer subordinate to the Political Agent with a view to his trial by the Political Agent, or
- (b) to an authority of the state with a view to his trial by the state courts.

(2) Before coming to a decision the Political Agent shall take the following matters into consideration :—

- (i) the nature of the offence charged ;
- (ii) the delay and trouble involved in bringing the accused person before himself ;
- (iii) the judicial qualifications of the courts of the state ;
- (iv) whether the accused person is a British subject or not, and if he is a British (other than European British) subject, whether the courts of the state, either by custom or by recognition, try such British subjects surrendered to them ; and
- (v) whether the courts of the state have, by custom or by recognition, power to inflict the punishment which may be inflicted under the Indian Penal Code for an offence similar to that with which the accused person is charged.

* *Note.*—Rules under the Indian (Foreign Jurisdiction) Order in Council and under section 22 of the Indian Extradition Act, 1903.

1005. Notwithstanding anything in paragraph 1004, the Political Agent shall make the warrant provide for the delivery of the accused persons to himself (or to an officer subordinate to himself), or to an authority of the state concerned, as the case may be, if he is generally or specially instructed by the Governor General in Council to try an accused person himself or to make him over for trial to the proper court of such state.

1006. In the case of an accused person made over for trial to the court of the state the Political Agent shall satisfy himself that the accused receives a fair trial, and that the punishment inflicted on conviction is not excessive or barbarous and, if he is not so satisfied, he shall demand the restoration of the prisoner to his custody, pending the orders of the Governor General in Council * * * * *

1007. Accused persons arrested in British India on warrants issued under section 7 or section 9 shall be treated, as far as possible, in the same way as persons under trial in British India.

1008. A person sentenced to imprisonment by a Political Agent shall, if a British subject, be conveyed to the most convenient prison under British administration, and shall there be dealt with as though he had been sentenced under the local law :

Provided always that this rule shall not be construed so as to give such person any right of appeal other than that allowed by the rules for the time being in force for regulating appeals from the decisions of the Political Agent.

B:—From native states to British territory (general).

1009. The following procedure should be followed to obtain delivery from a native state of a subject of such state charged with an offence committed in British territory. Such cases are not governed by the extradition law (Act XV of 1903), which relates only to the surrender to native states of their criminals taking refuge in British territory. That Act in no way affects the demands of the British Government on native states, whether extradition treaties exist with them or not. Magistrates should act promptly in the manner prescribed in the extract hereto appended in all cases where the surrender of criminals from native states may be necessary.

*Cf. G. O. no. 8,
dated 18th Apr.
1878.*

The offences for which the surrender of the subjects of native feudatory states is demanded should be limited to those for which authority may be given to British officers to surrender the subjects of native states. In the case of British subjects a larger catalogue should be allowed ; but in every case in which a demand is made, it should be made by British Magistrates, not to the state direct, but to the Political Officer, where there is one ; and the demand should invariably be accompanied by a copy of any depositions made, or where no evidence has yet been taken, by a statement of the information on which the arrest of the offender is deemed necessary. It should rest with the Political Agent, if necessary, to call on the Magistrate for further evidence ; but if the Political Agent possesses the influence and weight he ought to have, he should seldom fail to obtain compliance with any reasonable demand made to the darbar to which he is accredited for the surrender of an absconded criminal.

*Cf. G. G. O.
(For. D.) no. 158J.,
dated 8th Aug.
1871.*

C.—Nepal.

Cf. G. G. O. (For. D.) no. 1769E., dated 20th Sept. 1895.

Cf. G. G. O. no. 2934/VI—674C., dated 12th Nov. 1895.

Extradition of absconded offenders from Nepal.

Deputy Commissioner, Almora.
Ditto Naini Tal.
Magistrate of Pilibhit.
Ditto Shahjahanpur.
Ditto Bisti.
Ditto Gorakhpur.
Ditto Benares.
Ditto Bareilly.

1010. The following officers should correspond direct with the Resident in Nepal on the subject of extradition:—

Deputy Commissioner, Kheri.
Ditto, Bahraich.
Ditto, Gonda.
Ditto, Lucknow.
Ditto, Bara Banki.
Ditto, Fyzabad.

Superintendents of police should not correspond direct with the Resident, but through the Magistrate of the district.

Cf. G. G. O. (For. D.) no. 1592, dated 8th Oct. 1879, and no. 1769E., dated 20th Sept. 1895.

1011. The list on the margin contains the only offences for which

Requisitions on the Resident for extradition.

Murder.
Attempt to murder.

Rape.
Maiming.
Thagi.
Cattle stealing.

Embezzlement by public officer.
Dakaiti.
Highway robbery.
Poisoning.
Burglary.
Arson.

Serious theft, i.e. cases of theft in which the amount stolen may be considerable or personal violence may have been used.

Escaping from custody whilst undergoing punishment after conviction of any of the above offences.

extradition from Nepal can be demanded, and Magistrates can only demand the extradition of a British subject. The question of nationality ordinarily depends on the place of birth. Warrants are not required with demands for extradition, and the Resident cannot comply with them as such.

Cf. G. G. O. no. 600, dated 22nd May 1880.

1012. When an offence seems *prima facie* to come within the definition of murder in section 300 of the Indian Penal Code, the demand for extradition should be made under the head of murder, although there may be some chance that on trial the offence may be found to fall under some of the exceptions to the section. Where the case is clearly one of culpable homicide not amounting to murder no demand should be made.

Cf. G. G. O. no. 484, dated 17th March 1887.

1013. Magistrates will give information to the local authorities of the Darbar of the place of hiding of a British Indian subject who has absconded into Nepal, with an account of the crime with which he is charged. An accurate description of the accused's personal appearance and the names of the thana or pargana, the village, and the owner of the house where he has taken refuge should, if possible, be given. As full an account as circumstances will allow of the offence with which he is charged should be drawn up from the police papers or from depositions made before the magistrates, and should be authenticated and forwarded with the information and the request for the detention of the accused. Copies of these documents should at the same time be sent to the Resident for communication to the Darbar.

Cf. G. G. O. (For. D.) no. 1763E., dated 20th Sept. 1895.

1014. Under the treaties with Nepal, the Resident can only demand the extradition of Nepalese subjects for the offences given in the margin above. But where the Resident issues a warrant under the Indian Extradition Act, 1903, it is not open to a Magistrate to refuse to comply with it on the ground that the offender is a British subject. Such warrants can be issued by the Resident for the arrest of any person not being a European British subject

for any offence specified in the schedule to the Indian Extradition Act, 1903, and should invariably be obeyed without question.

1015. In cases in which the Resident desires the extradition of a person whose nationality is doubtful, Magistrates should arrest the person (under the Indian Extradition Act, 1903), on a requisition from the Agent, make the necessary inquiry as to nationality, and inform him of the result, so that he may issue a warrant for the extradition of the person to Nepal, or grant a certificate under section 188, Criminal Procedure Code, for his trial in British India according to the result of the inquiry.

1016. A case occurred in which the Nepal Darbar applied for the extradition of Nepalese subjects charged with the treaty offence of cattle theft, although the accused had already been tried in British territory for dishonest possession of the cattle in question and sentenced to two years' rigorous imprisonment.

In such cases extradition cannot be refused, and in future persons suspected of having committed such offences should be detained; and if upon reference to the Darbar it is ascertained that the accused is a Nepalese subject, and that he has apparently committed the offence complained of in Nepalese territory, he can, upon suitable requisition made, be surrendered at once to that Government for trial.

1017. The Darbar have issued orders that in cases where the surrender of a Nepalese subject, who is charged with having committed a crime in Nepal and has fled into British territory, is desired, the local officials will give to the nearest Magistrate in British territory such information of the accused's place of refuge as may lead to his arrest, and such evidence as will justify his detention for a reasonable period. They will, without delay, furnish copies of the information and evidence to the Prime Minister for communication to the Resident. The Resident will then either issue a warrant for the accused, or, if a reference to the Government is first needed, will take steps to ensure his detention.

Cf. G. O. (For. D.) no. 1834E. P., dated 15th Aug. 1881.

Cf. G. O. no. 484, dated 17th March 1887.

1018. Magistrates should always notify to the Resident without delay the date on which they surrender a person to the Nepalese Government and the result of the trial in British India of a person accused of an offence in Nepal under a certificate issued by the Resident in accordance with section 188, Criminal Procedure Code.

D.—Mysore.

Extradition between
British India and
Mysore.

1019. The following procedure should be followed to obtain extradition from Mysore to British India of persons convicted and confined in Mysore prisons.

Cf. G. O. no. 1961/VI—637C, dated 6th July 1907.

(1) If a requisition for the production and delivery at a place and to a person or authority indicated in the requisition of a person confined in a prison in Mysore under a sentence of a criminal court in Mysore for an extradition offence, and charged with the commission of an extradition offence in British India, be addressed by a magistrate or court of competent jurisdiction in British India to the officer in charge of the prison in Mysore where such person is confined, such officer shall act upon prison in ply with the same by causing such person to be conveyed to the place and delivered to the person or authority so indicated :

Provided as follows :—

(1) Every such requisition is forwarded through the Resident in Mysore.

(2) No such requisition shall be acted upon if the person to whom it relates is under sentence of death.

Explanation.—In this order “extradition offence” means any such offence as is described in the first schedule to the Indian Extradition Act, 1903.

(2) On the delivery as aforesaid of a person confined in a prison and undergoing sentence under a conviction in Mysore, his sentence shall be deemed to be suspended until the date of his surrender from British India to Mysore, when it shall revive and shall have effect for the portion thereof which remained unexpired at the time of his delivery.

(3) The above provisions may, by special order of the Government, be applied to the case of any person confined in a prison in Mysore under sentence of a criminal court in Mysore for any offence, who may be subsequently charged with committing an extradition offence in British India.

Explanation.—The word “offence” where it first occurs in this clause does not include an act which, if committed in British India, would not be an offence.

E.—Native states in the Punjab.

Cf. G. O. no. 1213/VI—347-1908, dated 16th Apr. 1908.

1020. When District Magistrates demand the extradition of accused persons from native states in the Punjab they should forward to the Political Officer a summary of the evidence sufficient to establish *prima facie* the criminality of the accused.

F.—French possessions in India.

Cf. G. G. O. (For. D.) no. 1934I, dated 29th May 1884.

1021. Under the stipulations of article IX of the Treaty of 7th March 1815, between Great Britain and France, which relate exclusively to the Indian possessions of the two countries, it has been customary to surrender persons accused of non-political offences of a grave character upon applications supported by a warrant and a summary of the charges, no depositions of witnesses being required; and it has not been considered necessary to observe the more stringent provisions of section 3 of the Indian Extradition Act, 1903, and sections 3 and 10 of 33 and 34 Vict., cap. 52, relating to extradition.

Chapter XLIX.—Eunuchs, criminal tribes and foreign vagrants.

A.—Eunuchs.

1022. Part II of the Criminal Tribes Act, 1871 (an Act for the registration of criminal tribes and eunuchs), extends to all districts in the United Provinces, and Magistrates of districts are appointed “to make and keep up” the registers in the terms of sections 24 and 25, and are authorized under section 30 to make the necessary requisitions for information as to the property in the possession of registered eunuchs.

Cf. G. O. no. 910/
VI—772D, dated
2nd Apr. 1907.

Those eunuchs only are to be registered who are reasonably suspected of kidnapping or castrating children, or of committing offences under section 377 of the Indian Penal Code, or of abetting the commission of any of the said offences.

Note.—The use of the words “reasonably suspected” in section 24 of the Criminal Tribes Act, 1871, is intended to leave a good deal to the discretion of the magistrate, who should exercise his powers with judgment. Dressing in female clothes and dancing and singing are no doubt *prima facie* grounds for suspicion, but they may of course be rebutted. If the eunuchs lead an immoral life, the fact will generally be ascertainable from common report and the kind of company kept by them. No rigid rule need be laid down that the names of all eunuchs who dance and sing in public should be entered in the register, but at any rate all eunuchs who dance and sing in public dressed in female attire, should be registered under the Act. When once a eunuch has been registered, he is forbidden to dance or play music in public under any circumstances (see section 26).

1023. When the registers have been made the provisions of sections 26, 27 and 28 of the law should be enforced, and the registered eunuchs warned of the penalties to which they are liable.

Note.—Special attention is called to sections 27 and 28 of the Act, which authorize the Magistrate to remove from the possession of a registered eunuch any boy who has not completed the age of sixteen, and to restore him to his parents or guardians; or, if they cannot be discovered, to make such arrangements as may be necessary for his education and maintenance. If the cost of such arrangements cannot be met from the fine which may be inflicted on the eunuch under section 29, the case should be referred for the orders of the Government.

1024. Section 29 declares a registered eunuch to be incapable of being or acting as a guardian to any minor, of making a gift or will, or of adopting a son. But the property of a deceased eunuch does not necessarily escheat to the Crown. The property would be heritable in all other recognized ways except in favour of an adopted son. And a registered eunuch may dispose of his property in any way except by gift or will. Where several eunuchs live in common and property is not held in severalty, the survivors may generally be allowed to continue in possession. *Chelas*, also, provided they live with the deceased and are themselves eunuchs, may be allowed to inherit.

1025. A register of all eunuchs liable to registration under the Act, i.e. of all those who are reasonably suspected of kidnapping or castrating children, or of committing offences under section 377 of the Indian Penal Code, or of abetting the commission of any of the said offences, shall be made by the superintendent of police in the prescribed form. The register shall be submitted as soon as possible after preparation to the magistrate of the district, who is empowered to add or omit any

* Register of eunuchs.

* *Note.*—Rules under section 31, Criminal Tribes Act, 1871.

names he may think proper. When finally approved by the Magistrate, the register shall be deposited in the office of the superintendent. The officer in charge of each police station shall be furnished with an extract of the register showing the registered eunuchs living within the limits of the station.

1026. The register shall be revised from time to time as the Magistrate may direct, and no name shall be erased or added, and no alteration made, without the sanction of the Magistrate or by the order of the Commissioner on appeal or review under section 25 of the Act. The initials of the Magistrate shall be attached to every alteration made in the register.

1027. (1) The removal (whether temporary or permanent) or death of any registered eunuch shall be reported by the officer in charge of the police station, through the superintendent, to the Magistrate, who, in the case of a death, will order the deceased's name to be erased, and, in the case of removal, if the removal be to another district, will inform the Magistrate of the district, to which the eunuch has removed, with the view to his name being brought on the register of that district. The names of those who have removed should not be erased from the register till at least one year after removal.

(2) To provide for the case of eunuchs temporarily removing from or visiting a district a register called the casual register is prescribed. In it all temporary absences or arrivals will be noted. The permanent register will not be affected by the use of the casual register, and save and except absolutely permanent changes no others will find place in the permanent register. If after enquiry it is decided that a eunuch has permanently taken up his residence in a district or permanently left a district, then his name should be entered in the permanent register of the district in which he has settled and erased from the permanent register of the district which he has given up.

(3) To meet the case of eunuchs removing to other provinces or native states, a register should be opened, entitled "register of absentees." In this should be entered names of eunuchs who have removed to such provinces or state. If it is undoubted that the removal is permanent, then the names of such eunuchs will be removed from the permanent register and entered in this register of absentees. If any uncertainty exist, the name will continue on both registers for a period of three years, and, in case of non-return at the end of this period, will be expunged from the permanent register and retained on the list of absentees.

(4) If a eunuch's whereabouts are not known, his name should be retained on the permanent district register for three years and then entered in the register of absentees; but if nothing is heard of him for seven years, his name should be struck off altogether. Before a name is struck off, every attempt should be made to ascertain, from other districts or the province, or from other provinces or from native states to which the eunuch was known or suspected to resort, what has become of him.

1028. Magistrates of districts are required to report at the time for the information of the Government (through Commissioners) any erasures from the register that may be made by them on grounds other

than death or removal from the district: reasons in detail for the action taken should invariably be given.

1029. The Act makes no special provision for a Commissioner or Magistrate taking action *suo motu* for the removal of names. If formal application is made by any person under section 25 of the Act, the presumption is against exemption, unless, owing to extreme old age, blindness, or other such cause, the eunuch is rendered absolutely incapable of misconduct. It is to be observed that the approach of old age adds to rather than decreases the temptation to adopt a young person.

1030. A register of the property of all registered eunuchs shall be made by the Magistrate of the district in the prescribed form. It shall be deposited in the Magistrate's office, and extracts from it shall be sent for record to each police station within which a registered eunuch resides. It shall be revised from time to time, but no alteration shall be made in it except by, or by order of, the Magistrate, whose initials shall be attached to every such alteration.

1031. Information shall be given by the police to the Magistrate of any alienation by registered eunuchs of their property or of any acquisition of new property.

B.—Criminal tribes.

1032. The rules under section 18 of the Criminal Tribes Act, 1871, regarding the Sanauriahs of Lalitpur and the Barwars of Gonda are contained in appendix 14.

C.—Wandering gangs of foreign Asiatic vagrants.

1033. When it is found necessary to deport gangs of foreign Asiatic vagrants by railway, they should be made to pay their own railway expenses, wherever practicable, by the sale of their ponies, their confiscated arms, or any other property which they cannot take with them, any balance being returned to the owners. Where this cannot be done, Magistrates are authorized to pay their railway fare and the charges incurred for the necessary police guard, reporting their disbursements subsequently for the sanction of the Government. The requisite arrangements in respect to the relief of the police guard, &c., should be made in communication with the Inspector-General.

1034. Whenever any of these gangs are deported to the Punjab, they should be sent to Ambala cantonments and not to Delhi, due intimation being given to the Punjab police authorities in regard to the probable date of their arrival at the former station.

1035. Where such a gang commits any depredations, no effort should be spared in bringing the chief offenders to justice for specific crimes, or treating them, as the law allows, under chapter VIII of the Criminal Procedure Code.

1036. On no account should such gangs be passed on under police or other guard into other districts or other provinces or into native states; but if deportation is deemed necessary, it should be carried out at once under the Foreigners Act, 1864, full lists and descriptive rolls of the deported persons, with photographs of the leaders, being taken and forwarded to

Cf. G. O. no. 85,
dated 12th July 1875,
and G. G. O. (H.
D.) no. 29—989,
dated 20th May
1879.

frontier Governments; and on no account should safe-conduct passes or licenses to carry arms be granted to gangs of this type, or to any members of such gang; and if arms or ammunition are found in their possession they should be at once disarmed in accordance with the provisions of the Arms Act.

Cf. G. O. no. 85,
dated 12th July 1875
and no. 2550/VJ—
827, dated 17th Dec.
1880.

Note.—Deportation, if resorted to at all, must be carried out strictly in accordance with the Foreigners Act, 1864, and only under the orders of the Local Government, as directed by section 3 of that Act.

An order of deportation, if issued, should be made effective, and should not merely require the removal of the persons concerned from a particular presidency or province but beyond the limits of British India (section 3 of the Foreigners Act, 1864); the route for removal should be always specified in the order, warning being at the same time given to the Local Governments and Administrations through whose territories the gang will pass.

Chapter L.—Lunatic asylums and lunatics.

A.—General.

1037. The following are the places of detention for supposed lunatics detained under section 6A (3) of the Lunatic Asylums Act, 1858 :—

- (1) the lunatic asylum in the districts of Agra, Bareilly and Benares ;
- (2) the district jail in all other districts, except (a) Ballia, (b) Garhwal, (c) Pilibhit and (d) Tarai ;
- (3) the Ghazipur district jail, for lunatics from the Ballia district ;
- (4) the Bareilly lunatic asylum, for lunatics from Pilibhit and the Tarai in the Naini Tal district ;
- (5) the dispensary at Srinagar for lunatics from the Garhwal district.

Note.—The lunatic asylums at Bareilly, Agra and Benares have been declared to be lunatic asylums at the Presidency for the purposes of the aforesaid Act.

Districts for which lunatic asylums established.

1038. (1) Superintendents of lunatic asylums will receive lunatics from specified districts (i.e. ordinarily those nearest or most like in climatic condition), according to the subjoined list :—

Bareilly asylum.		Agra asylum.		Benares asylum.	
Bareilly	district.	Agra	district.	Benares	district.
Naini Tal	do.	Jhansi	do.	Ballia	do.
Almora	do.	Jalaun	do.	Mirzapur	do.
Garhwal	do.	Cawnpore	do.	Jaunpur	do.
Dehra Dun	do.	Etawah	do.	Azamgarh	do.
Saharanpur	do.	Muttra	do.	Ghazipur	do.
Bijnor	do.	Farrukhabad	do.	Gorakhpur	do.
Moradabad	do.	Etah	do.	Basti	do.
Budaun	do.	Mainpuri	do.	Allahabad	do.
Pilibhit	do.	Banda	do.	Fatehpur	do.
Shahjahanpur	do.	Hamirpur	do.	Fyzabad	do.
Lucknow	do.	Muzaffarnagar	do.	Gonda	do.
Unao	do.	Meerut	do.	Bahraich	do.
Sitapur	do.	Aligarh	do.	Sultanpur	do.
Hardoi	do.	Bulandshahr	do.	Partabgarh	do.
Kheri	do.			Bara Banki	do.
				Rae Bareli	do.

Cf. G. O. no 1573 and 679/VI—400B., dated 18th June 1890 and 14th March 1907.

Cf. G. G. O. (H.D.) no 1571, dated 31st Dec. 1897, and no. 964, dated 12th Oct. 1904.

Cf. G. O. no. 1601, 2936, 1861 and 641/VI—139B., dated 24th July 1888, 8th Oct. 1896, 2nd June 1905, and 28th Feb. 1906.

(2) Lunatics are to be sent from the districts named above to the asylum specified in the case of each (the superintendent of the asylum being at the same time advised of their despatch) except where information has been received that the asylum is already full. When any asylum becomes full, the superintendent will at once report the fact to the Inspector-General of Civil Hospitals : and the latter officer, in informing the Magistrates of the districts concerned, will instruct each Magistrate to which asylum he should send the lunatics of his district pending the receipt of further directions.

Cf. G. G. O. (H.D.) no. 641, dated 24th July 1906.

1039. The lunatic asylum at Agra has been declared to be an Lunatics from the asylum to which a Magistrate or Judge exercising Rajputana agency, &c., jurisdiction in the British cantonments and railway sent to Agra. lands within the limits of the Rajputana Agency and in Abu, Anadra, and the Kharari bazar, including the road leading from Abu sanitarium to Abu Road railway station and to the bazar at Kharari, may send lunatics.

Cf. G. G. O. no. 192/VI—696, dated 25th Jan. 1911.

1040. No European or Eurasian shall be appointed as a warder in the lunatic asylums in the United Provinces unless he has resided in the province for at least three years previous to his appointment, and is able to read and write English and speak Hindustani.

1041. Indians appointed as warders must have resided in the province for at least three years prior to their appointment. In their case no educational qualifications are necessary.

1042. The above rules do not apply to—

- (1) the deputy superintendent, central lunatic asylum, Agra, who is a military assistant surgeon.
- (2) the deputy superintendent, minor lunatic asylum, Bareilly, who is also a military assistant surgeon, but will in time be replaced by a civil assistant surgeon from this province.
- (3) the deputy superintendent, minor lunatic asylum, Benares, who has retired from military service.
- (4) the assistant superintendent, central lunatic asylum, Agra, who has retired from military service.

Cf. G. G. O. no. 1592/VI—456B., dated 20th June 1890.

1043. The following officers have been appointed visitors of the lunatic asylums at Agra, Bareilly, and Benares :—

- (1) The Commissioner.
- (2) The District Judge.
- (3) The District Magistrate.
- (4) The Superintendent of the central prison as medical officer.

The Inspector-General of Prisons, United Provinces, is also a visitor *ex-officio* of all three asylums.

Cf. G. G. O. no. 1578/VI—400B., dated 18th June 1890.

1044. Magistrates and superintendents of jails and lunatic asylums should note that the detention of a supposed lunatic is not authorized for a longer time than fourteen days from the date on which the first order authorizing his detention is made.

1045. When a supposed lunatic is detained in a jail, the superintendent will make the best arrangement possible for his care and treatment. He will keep him apart from the prisoners.

Cf. G. G. O. no. 2082/VI—400B., dated 9th Aug. 1892.

1046. The rules in paragraphs 1044 and 1045 apply to accused persons who are believed to be of unsound mind and incapable of making their defence.

1047. At the time of arrest of any lunatic, and prior to, or as

Section 379.—Theft,
Section 380.—Theft in a building,
tent or vessel

Section 451.—House trespass in
order to the commission of theft.

Section 453.—Lurking house-
trespass.

Section 454.—Ditto ditto in order
to the commission of an offence
punishable with imprisonment

Section 456.—Lurking house-
trespass by night.

Section 457.—Ditto ditto in order
to the commission of an offence
punishable with imprisonment.

shortly after, his despatch to an asylum or jail for observation as is practicable, the Magistrate should cause a local inquiry to be made through the police, or such other agency as may be available, in regard to the past history of the lunatic, so far as this can be ascertained; as to the capability and willingness of his relatives or friends to take charge of him; and in the case of a lunatic detained under the Lunatic Asylums Act, 1858, or accused of one of the offences under the Penal Code noted on the margin, as to the capability of his

relatives to contribute to his support in an asylum.

Note.—Section 15 of the Lunatic Asylums Act, 1858, empowers the Magistrate who sends a lunatic to an asylum to compel, with the aid of the civil court, any one legally bound to maintain him, to pay for his maintenance in the asylum, or to realize the necessary sum from any estate possessed by the lunatic himself. The scale of payment has been fixed at Rs. 4 per mensem, but when a lunatic's relatives cannot contribute the full amount, they should be called upon to give half or even a quarter of it. These orders do not affect criminal lunatics.

Cf. G. O. no. 24A.,
dated the 12th Oct.
1874, no. 28A., dated
22nd May 1865,
and no. 930, dated
27th Sept. 1878.

1048. Whenever a lunatic is handed over to the superintendent of a lunatic asylum or to the superintendent of a jail by the Magistrate for observation, a report in English, based on the abovementioned inquiry, should be sent with him, setting forth every fact which may be of assistance in forming an opinion as to his mental state. If, in the opinion of the Magistrate, the inquiry made into the antecedents of the lunatic up to the time of his being handed over has not been full and complete, he should cause a full inquiry to be instituted, and communicate its results to the officer to whom he was handed over, with as little delay as possible, in a supplementary report.

Cf. G. O. no. 2082/
VI—400B., dated
9th Aug. 1892.

Note.—When forwarding a non-criminal insane to a lunatic asylum, Magistrates should adopt the prescribed form of order.

Cf. G. O. no. 55,
dated 6th Oct. 1881.

1049. With regard to entry no. 18 in the prescribed statement of particulars regarding a non-criminal or a criminal lunatic, should the superintendent of a lunatic asylum have reason to believe that the cause of insanity is incorrectly given and desire to have his own opinion tested by such facts as further inquiry may elicit, he should ask the Magistrate to make further inquiry into the cause of insanity or into any other point regarding which the information given in the statement of particulars previously furnished was obscure or obviously incorrect. The Magistrate should thereupon make, or cause to be made, the inquiry, and should forward the record of his proceedings to the superintendent. If the magistrate charged with the inquiry finds it necessary, instead of taking evidence himself, to obtain the facts of the personal history of the lunatic through the police or other subordinates he will still be personally responsible that it is properly conducted.

Cf. G. O. no. 2436/
VI—529B., dated
19th Aug. 1896.

1050. The lunatic should be considered a dangerous lunatic, until the officer to whom he was handed over (or in cases where the superintendent of the jail is not a medical officer, the medical officer in charge of the jail) gives an opinion that he is harmless.

Cf. G. O. no. 2082/
VI—400B., dated
9th Aug. 1892.

1051. The officer to whom he is handed over is expected from time to time to give such directions as may be necessary for appropriately guarding him, and to give the necessary warning of any symptoms which indicate the approach of a violent fit, or otherwise render needful greater watchfulness. In case the superintendent of the jail is not a medical officer, the medical officer in charge will be expected to perform the latter duty.

1052. It is the Magistrate's duty to see that the period of detention of the lunatic under observation is made as short as possible.

1053. In the case of the Garhwal district, where supposed lunatics are lodged at the Srinagar dispensary, and guarded by the police under the supervision of the medical officer in charge of the dispensary, for observation and examination by that officer, the above rules shall, so far as possible, be observed.

1054. The civil surgeon should send a report at least once every week to the Magistrate on the condition of each supposed lunatic who may be under observation.

Cf. G. O. no. 2, dated 30th Jan. 1884, and no. 1278/VI—155B., dated 11th June 1888.

1055. Persons suffering from the temporary results of sickness, intemperance, or debauchery, and persons whom their friends can and ought to support, should not be admitted into public lunatic asylums: persons partially insane and harmless should, as a rule, be left alone.

B.—Criminal lunatics.

Cf. G. O. no. 1124/VI—715, dated 7th Apr. 1910.

1056. The assistants to the civil surgeons at Allahabad, Lucknow, Mussooree and Naini Tal have been empowered to examine accused persons who are believed to be of unsound mind and incapable of making their defence.

Cf. G. O. no. 2470/VI—247B., dated 18th Sept. 1890.

1057. The procedure adopted by subordinate magistrates in trying cases of persons of unsound mind who have been pronounced incapable of making their defence has frequently been mistaken. In many instances attention has not been paid to the provisions of section 464 of the Criminal Procedure Code (under which it is necessary to postpone proceedings if the accused is incapable of making his defence and the accused person has been put upon his trial), usually with the result that he is acquitted on the ground that he was insane at the time when he committed the offence. The case is then reported for the orders of the Government under section 471. In such circumstances, as the acquittal is no less illegal than a conviction would have been, the Government has no alternative but to cause an application to the High Court or to the Judicial Commissioner for a revision of the order passed by the magistrate.

The attention of all magistrates is called to the provisions of chapter XXXIV of the Criminal Procedure Code; and the subordinate courts should be required to report to the District Magistrate all cases of the kind before passing final orders in order that the exact provision of the law may be pointed out if necessary.

Cf. G. O. no. 1545/VI—706, dated 27th July 1886, and no. 1998/VI—274B., dated 30th July 1892.

1058. When a Magistrate reports, under section 466 or 471 of the Criminal Procedure Code, the case of a harmless lunatic charged with petty offences, whom no adequate security is forthcoming, the

Government will ordinarily direct the lunatic's release. Similarly when the case of a harmless lunatic charged with a petty offence under sections 379, 380, 451, 453, 454, 456 or 457 of the Indian Penal Code is reported, if there are no relatives legally bound to support the lunatic, an order for release will usually be passed by the Government. It will then be open to the Magistrate, if he thinks it necessary, to deal with the case under the Lunatic Asylums Act, 1858.

1059. (1) When the papers of a criminal lunatic are submitted to the Government for orders it is of the highest consequence that the information laid before the Government should be as full and accurate as possible.

*Cf. G. O. no. 98—
104/VI—274B, dated
15th Jan. 1890.*

(2) The complete record for every criminal lunatic consists, of three papers: (1) the Magistrate's summary; (2) the medical history sheet; (3) the abstract from the case-book maintained at the institution in which he is detained.

The Magistrate's summary should be submitted in the prescribed form to the Government direct (through the District Magistrate, if the Magistrate trying the case is not himself the District Magistrate) when the case is first sent up for orders under section 466 or section 471 of the Criminal Procedure Code.

Two notes will be added in the prescribed form:—

In the first the Magistrate will give a short abstract from the evidence which has come before him and from the police records, summarising any information they may contain relating to the demeanour of the lunatic before and after the commission of the offence, the manner in which he did it, any attendant circumstances which may throw light on his frame of mind, and the ideas with which he was possessed at the time when he committed it, and any facts in his past history which may be of value in deciding on the course which should be adopted in regard to him.

In the second the civil surgeon will certify the facts that may have come to his notice while the lunatic was under observation, bearing on the nature and probable causes of his insanity.

1060. The remaining orders regarding criminal lunatics are contained in the Jail Manual.

C.—European lunatics.

1061. The following are the places appointed under section 6A (3) of the Lunatic Asylums Act, 1858, for the custody of supposed European lunatics while detention of supposed European lunatics while under observation.

*Cf. G. O. no. 934/
VI—930B, dated
23rd March 1909.*

<i>Lunatics from the districts of—</i>	<i>Place of detention.</i>
Banda, Mirzapur, Partabgarh and Allahabad ..	European lock-up, Allahabad.
Ghazipur, Jaunpur, Azamgarh, Ballia and Benares...	Kali Shankar asylum, Benares.
Sitapur, Hardoi, Kheri, Unao, Rae Bareilly, Bara Banki and Lucknow.	King's hospital, Lucknow.
Muttra, Etah, Farrukhabad, Mainpuri, Jhansi and Agra.	Thomason hospital, Agra.
Fatehpur, Jalaun, Hamirpur, Etawah and Cawnpore.	European civil hospital, Cawnpore.

<i>Lunatics from the districts of—</i>	<i>Place of detention.</i>
Pilibhit, Budaun, Aligarh, Shahjahanpur, Naini Tal, Almora, Garhwal and Bareilly.	District civil hospital, Bareilly.
Bijnor and Moradabad	„ „ Moradabad.
Dehra Dun, Saharanpur, Muzaffarnagar, Bulandshahr and Meerut.	„ „ Meerut.
Gonda, Basti, Gorakhpur, Sultanpur, Bahraich and Fyzabad.	„ „ Fyzabad.

Before a supposed lunatic is despatched to the appropriate place of detention named above it must be ascertained that accommodation is available. Should the reply be unfavourable the lunatic should be sent to the nearest place of detention where there is accommodation.

If, however, the relatives of the supposed lunatics can make proper arrangements for the comfort and observation of the patients at their own residences, they should be allowed to do so.

*Cf. G. O. no. 2668/
VI—897C., dated
12th Sept. 1898.*

1062. Proper accommodation for European lunatics exists only at the Bareilly asylum. Such persons should therefore whenever room is available, be sent to this asylum. In the event of there being no accommodation at Bareilly, they may be sent to the asylum at Benares. Lunatics who are not natives of the country, dealt with under section 4 of the Lunatic Asylums Act, 1858, can legally be sent to the provincial asylums at Bareilly and Benares only. European lunatics should in no case be sent to the asylum at Bhowanipur.

*Cf. G. G. O. (H.D.)
no. 598, dated 17th
Sept. 1875, no.
5—225, dated 29th
March 1877, and
no. 1283, dated 5th
Aug. 1899.*

1063. Civil English lunatics are despatched to Europe in June each year. The fullest and most accurate information regarding the medical history and relations of every insane patient sent to England should be transmitted with him.

Each case should be dealt with as it arises in direct communication with the General Officer Commanding the Division in which the asylum, where the lunatic is detained, is situated. Cases should be reported to the Government as they arise, care being taken to submit the medical history of the insane patient and full particulars as to his relatives.

*Cf. G. G. O. (H.D.)
no. 413, dated 4th
May 1905.*

1064. The practice of sending a criminal lunatic to the United Kingdom, under section 1 of the Lunatics Removal (India) Act, 1851 (14 and 15 Vict., cap. 81), without previous reference to the Home Government should be avoided. Action for the removal of such a lunatic should hereafter be taken under the Colonial Prisoners Removal Act, 1884 (47 and 48 Vict., cap. 31), under which a reference to His Majesty's Government is required before action is taken in India. When the transfer of such a lunatic to the United Kingdom is desired, a draft "order of removal" form accompanied by a draft "warrant of removal" form should be filled in and forwarded to the Government with a request that the Secretary of State may be moved to make the necessary order. Copies of these forms are contained in appendix 15.

Chapter LI.—Poisons Act and Rules.

A.—General.

Extension of provisions of Poisons Act to certain other poisons.

1065. All the provisions of the Poisons Act, 1904, relating exclusively to white arsenic, have been applied to the following poisons—

Cf. G. G. O. (H. D.) no. 620, dated the 13th May 1908.

<i>I.—Sulphides of arsenic.</i>	<i>Vernacular name.</i>	<i>III.—Green arsenic.</i>	<i>Vernacular name.</i>
(a) Red sulphide (Realgar).	Mansil.	(e) Arsenite of copper (Scheele's green).	Hirwa.
(b) Yellow sulphide (Orpiment).	Hartal.	(f) Aceto-arsenite of copper (Schweinfurth's green).	Hirwa.
<i>II.—Impure sulphides of arsenic.</i>		<i>IV.—Aconite ..</i>	.. Singhya or mitha tolia.
(a) Black arsenic ..	Kala sankhia.	<i>V.—Perchloride of mercury (corrosive sublimate).</i>	Raskapur.
(d) Impure orpiments—			
(1) White sulphuret	Safed sankhia.		
(2) Pink sulphide..	Gulabi sankhia.		
(3) Brown sulphide	Bhura sankhia.		

1066. A concise report on the working of the Poisons Act, 1904, in their divisions should be furnished by Commissioners during the month of February in each year. The report should include information regarding (a) the number of licences issued under section 2 and section 4 of the Act, respectively, (b) the poisons covered by them, (c) the way in which the rules have been complied with, (d) the results of the inspections of shops and (e) the sufficiency or otherwise of the manner of regulating the sale of poisons.

Cf. G. G. O. no. 1900/VI—482, dated the 22nd June 1909.

B.—* Rules regarding white arsenic, aconite and certain other poisons.

Rule 1.

1067. The following substances are specified as poisons for the purposes of section 2, sub-section (3), of the Poisons Act, 1904, namely:—

Cf. G. G. O. no. 2626-2630/V I—660C, dated 9th July 1907.

Aconite, nux vomica, perchloride of mercury (corrosive sublimate), cyanide of potash, and stramonium (dhathura).

The expressions “sell” and “sale” mean respectively “sell by retail” and “sale by retail.”

1068. No person shall (1) possess for sale by retail, or (2) sell by retail white arsenic or other poison except under a licence granted in this behalf by the District

Rule 2.

Magistrate.

1069. The grant of a licence to any applicant shall be at the discretion of the District Magistrate, whose decision thereon shall be final. The licence shall be granted

Rule 3.

for the calendar year.

1070. A fee of Re. 1 shall be charged for each annual licence granted under rule 3 and shall be paid before the grant of such licence. The licence shall be inscribed

Rule 4.

on a non-judicial impressed stamped paper of the appropriate value: provided that no fee shall be charged to any person already licensed to possess white arsenic for sale on being granted a licence to possess other poisons for sale and *vice versa*.

* *Note.*—Under sections 2 and 4 of the Poisons Act, 1904.

POISONS ACT AND RULES.

Rule 5. **1071.** A licence shall terminate on the death of the licence holder.

1072. The District Magistrate may for any sufficient cause revoke or cancel any licence granted under rule 3.

Rule 6.

Rule 7. **1073.** A licence holder shall effect every sale of white arsenic or other poison in person.

Rule 8. **1074.** A licence holder shall not sell white arsenic or other poisons to any person—

- (a) who is not personally known to him or identified to his satisfaction, or
- (b) who appears to him to be under the age of eighteen years, or
- (c) who does not appear to him to be in full possession of his faculties, or
- (d) who is a wandering mendicant.

1075. A licence holder shall not sell white arsenic or other poison in any quantity exceeding one ounce at any one time and to any one person.

Rule 9.

1076. A licence holder shall maintain a register in which he shall enter all sales of white arsenic or other poison with the following particulars :—

Rule 10.

- | | |
|---------------------------|--|
| (a) serial number, | (g) purpose for which white arsenic or other poison is stated to be required, |
| (b) name of poison, | (h) signature of purchaser (or where the purchaser is illiterate, his thumb mark), and |
| (c) quantity sold, | (i) signature of vendor. |
| (d) date of sale, | |
| (e) name of purchaser, | |
| (f) address of purchaser, | |

1077. A licence holder shall maintain in respect of white arsenic or other poison a stock register, which shall contain the following particulars :—

Rule 11.

- (a) serial number,
- (b) date,
- (c) amount received,
- (d) name and address of person from whom received,
- (e) amount sold,
- (f) balance in stock, and
- (g) remarks.

1078. Any magistrate, any police officer of or above the rank of sub-inspector, any revenue officer of or above the rank of naib tahsildar, or any medical officer of or above the rank of sub-assistant surgeon may at any

time visit and inspect the premises of a licence holder where white arsenic or other poisons are kept for sale and may inspect all such poisons found therein and the registers maintained under rules 10 and 11.

1079. (1) White arsenic or other poison shall be kept in securely closed receptacles of glass, tin or earthenware.

Rule 13.

(2) All such receptacles shall be kept in a separate locked almirah or box and shall be marked in paint with the name of the poison contained therein.

(3) Every almirah or box, and each receptacle within such almirah or box, shall have the word "poison" in English and vernacular painted upon it in red letters.

1080. (1) When white arsenic or other poison is sold, it shall be
Rule 14. securely packed in a packet.

(2) Every packet sold shall be labelled by the vendor with a red label bearing the name of the poison in the vernacular and the number and date of the entry in the register of sales.

1081. When a licence holder also deals in white arsenic or other
Rule 15. poison wholesale, the stock maintained for sale as defined in these rules shall be kept entirely distinct from any stock maintained for the purpose of wholesale transactions.

1082. A licence holder shall not sell powdered white arsenic to any
Rule 16. person unless the same is, before the sale thereof, mixed with soot, indigo, or prussian blue in the proportion of half an ounce of soot, indigo, or prussian blue at least to one pound of the white arsenic, and so in proportion for any greater or less quantity.

C.—*Rules regarding sulphides of arsenic and certain other poisons.

1083. For the purposes of these rules the expressions "sell" and
Rule 1. "sale" mean respectively "sell by retail" and "sale by retail."

1084. No persons shall—

Rule 2. (1) possess for sale by retail, or
(2) sell by retail,

any of the following poisons except under a license granted in this behalf by the District Magistrate:—

I.—†Sulphides of arsenic—

(a) Red sulphide (Realgar).
(b) Yellow sulphide (Orpiment).

II.—†Impure sulphides of arsenic—

(c) Black arsenic.
(d) Impure orpiments—
(1) White sulphuret.
(2) Pink sulphide.
(3) Brown sulphide.

III.—†Green arsenic—

(e) Arsenite of copper (Scheele's green).
(f) Aceto-arsenite of copper (Schweinfurth's green).

IV.—†Aconite—

V.—†Perchloride of mercury (corrosive sublimate).

1085. The grant of licence to any applicant shall be at the
Rule 3. discretion of the District Magistrate, whose decision thereon shall be final. The license shall be granted

for the calendar year.

1086. A fee of Re. 1 shall be charged for each annual license
Rule 4. granted under rule 3 and shall be paid before the grant of such license. The license shall be inscribed

*Note.—Under section 4, Poisons Act, 1904.

† Note.—For the vernacular names of these poisons paragraph 1065 should be seen.

on a non-judicial impressed stamped paper of the appropriate value: Provided that no fee shall be charged to any person already licensed to possess white arsenic or other poisons for sale under the rules framed under section 2 or 4 of the Act.

Rule 5. **1087.** A license shall terminate on the death of the license holder.

1088. The District Magistrate may for any sufficient cause revoke or cancel any license granted under rule 3.

Rule 6.

Rule 7. **1089.** A license holder shall effect every sale of any of the said poisons in person.

Rule 8 **1090.** A license holder shall not sell any of the said poisons to any person—

(a) who is not personally known to him or identified to his satisfaction, or

(b) who appears to him to be under the age of eighteen years, or

(c) who does not appear to him to be in full possession of his faculties, or

(d) who is a wandering mendicant.

1091. A license holder shall not sell any of the said poisons in any quantity exceeding one ounce at any one time and to any one person.

Rule 9.

1092. (1) A license holder shall maintain a register, in which he shall enter all sales of any of the said poisons.

Rule 10.

(2) The following particulars shall be entered, in respect of each sale, in the register maintained under sub-rule (1), namely—

(a) serial number,

(b) name of poison,

(c) quantity sold,

(d) date of sale,

(e) name of purchaser,

(f) address of purchaser,

(g) purpose for which the poison is stated to be required,

(h) signature of purchaser (or where the purchaser is illiterate his thumb mark), and

(i) signature of vendor.

1093. A license holder shall maintain in respect of the said poisons a stock register, which shall contain the following particulars, namely—

Rule 11

(a) serial number,

(b) date,

(c) amount received,

(d) name and address of persons from whom received

- (e) amount sold,
- (f) balance in stock, and
- (g) remarks.

A separate page or pages shall be assigned to each poison stocked by the license holder.

1094. Any magistrate, any police officer of or above the rank of sub-inspector, any revenue officer of or above the rank of naib-tahsildar, or any medical officer of or above the rank of sub-assistant surgeon, may at any time visit and inspect the premises of a license holder where any of the said poisons is kept for sale and may inspect the stock found therein and the registers.

Rule 12.

1095. (1) Each of the said poisons shall be kept in securely closed receptacles of glass, tin, or earthenware.

Rule 13

(2) All such receptacles shall be kept in a separate locked almirah or box, and shall be marked in paint with the name of the poison contained therein.

(3) Every almirah or box, and each receptacle within such almirah or box, shall have the word "poison" in English and vernacular painted upon it in red letters.

1096. (1) When any of the said poisons is sold, it shall be securely packed in a packet.

Rule 14.

(2) Every packet sold shall be labelled by the vendor with a red label bearing the name of the poison in the vernacular and the number and date of the entry in the register of sales.

1097. A license holder shall not sell any of the said poisons, except red and yellow sulphides of arsenic in the form of powder to any person unless the same is, before the sale thereof, mixed with soot, indigo, or prussian blue in the proportion of half an ounce of soot, indigo, or prussian blue at least to one pound of the said poison and so in proportion for any greater or less quantity.

Rule 15.

1098. When a license holder also deals in any of the said poisons wholesale, the stock maintained for sale as defined in these rules shall be kept entirely distinct from any stock maintained for the purpose of wholesale transactions.

Rule 16.

Chapter LII.—Village headmen.

Gf. G. O. no. 241
and 1727/VI—438C.,
dated 19th Jan.
1895, and 3rd June
1901.

1099. The District Magistrate shall appoint one or more village headmen for the purpose of section 45, Criminal Procedure Code, in each inhabited village in his district: provided that if one or more outlying hamlets be included within the *haddbast* of the village, the Magistrate may at his discretion refrain from appointing a separate headman in each hamlet. A headman will not be appointed in a village which is uninhabited.

1100. The village headman shall be appointed from among the residents of the village:

Provided that when a suitable appointment cannot be made from the residents in each individual village, the District Magistrate may group villages for the purpose of section 45 (3), Criminal Procedure Code, and appoint one village headman for all the villages constituting the group or circle.

1101. The revenue lambardar of the village, if a resident of it, shall, in the absence of exceptional circumstances, be appointed village headman in preference to any other person. If there be more resident lambardars than one, the Magistrate will appoint as many of them to be village headman as he may consider to be required, regard being had to the population of the village and the predominant castes of the inhabitants. If there be no lambardar resident in the village, the Magistrate in consultation, so far as may be possible, with the lambardars and other proprietors of the village lands, shall select and appoint a headman or headmen from among the residents of the village, or if no resident is fit for the office, proceed under the proviso to paragraph 1100.

1102. In appointing village headmen the Magistrate shall have regard to character, position, and influence. In districts where *mugaddams* or representatives of the tenantry are recognised by custom, the appointment of such persons to be headmen will be appropriate whenever the landowners are non-resident.

1103. A register of village headmen in the tahsil shall be maintained by the tahsildar; and each police-station shall be furnished with a copy of the entries relating to villages within its jurisdiction.

1104. When a village headman proposes to be absent from the village for a considerable time, he shall nominate a substitute for the Magistrate's approval, and inform the tahsildar verbally or in writing.

1105. The police shall have no connection with the appointment of, and no authority over, village headmen.

1106. The Magistrate may at any time remove a person appointed to be village headman from the office of village headman; and may add to or reduce the number of village headmen appointed to a village.

* Note.—Rules under section 45 (3) of the Code of Criminal Procedure. The rules do not apply to the Kumaun division (G. O. no. 2933/VI—438C., dated the 18th July 1894).

1107. The following are the matters of which the Government has authorized Magistrates to direct the communication of information under section 45 (1) (f) of the Criminal Procedure Code :—

Duties of village headmen.

- (a) the circulation of letters or notices or signals, more especially when these enjoin or denote concerted action of any kind, lawful or unlawful ;
- (b) the visits of itinerant lecturers and preachers ;
- (c) the collection of funds for any common purpose, lawful or unlawful ;
- (d) the meetings of *sabhas* or other similar associations, whether the object be lawful or unlawful ;
- (e) the possession of unlicensed arms by persons within the villages in which they have to report the occurrence of serious crime generally ;
- (f) the passage through, or assembly in, the village of a body of persons associated, or suspected of being associated, for a common illegal purpose ;
- (g) the departure from his house and his destination, if known, of any bad character residing in the village whose movements they have been directed to report by the officer in charge of the police-station within the limits of which the village is situated, and
- (h) the arrival in the village of any suspicious stranger, together with such information as they can obtain regarding his antecedents and residence.

Note 1.—Magistrates are at liberty to apply to the Government for authority to require reports by *mukhtas* on any point involving agitation on the subject of land, religion, or caste practices which may not be comprised in the above list.

Note 2.—The legal responsibility of village headmen to report all matters comprised in the foregoing classes and in sub-sections (c) and (d) of section 45 should be strictly enforced. *Mukhtas* should understand that by failure promptly to report such matters they bring themselves within the scope of section 176, Indian Penal Code.

Cf. G. O. no. 1203 and 2809 and 2869/VI—438C., dated 5th May 1894, 6th July 1894, and 5th Sept. 1906.

Cf. G. O. no. 3512/VI—438C., dated 15th Oct. 1900.

Chapter LIII.—Retention and destruction of records.

Cf. G. O. no. 308/
VI—12, dated 16th
Feb, 1886.

1108. The rules* in paragraphs 1109-1113, supplementary to those issued by the High Court and Board of Revenue, should be observed for the destruction of records in Magistrates' offices.

1109. (1) In all correspondence, reminders, explanations of delay, and dockets on mere matters of routine should be destroyed when the file is closed, and before it is finally consigned to the record-room. The originals of papers, of which printed copies have been received, may be destroyed on receipt of the printed copies.

(2) Applications for copies may be destroyed after one year.

(3) Circulars, &c., should be destroyed when they are cancelled or superseded.

1110. Papers not destroyed under the above rule should be destroyed after the expiry of three or twelve years, or retained permanently, according as they fall within the first, second or third of the lists † given in appendix 16. The first list refers merely to routine statements, or to miscellaneous correspondence of no permanent value; no important correspondence should be destroyed after three years even though it comes under one of the subjects included in this list. Annual reports should ordinarily be retained for twelve years.

1111. In calculating the time fixed for the destruction of records the computation will be made from the commencement of the calendar year succeeding that in which the correspondence took place.

1112. All papers to be destroyed should be selected by the record-keeper and head-clerk, and submitted for the inspection of the Magistrate or an assistant deputed by him for the duty; and no papers should be destroyed without the orders of that officer, who will satisfy himself that they are not of sufficient importance to be preserved. The duties of the record-keeper and head-clerk in this respect should be clearly explained to them. In all cases of doubt special reference is to be made to the Magistrate.

1113. Annual clearances of useless papers, except such as are made under paragraph 1110, should be effected between May and September.

* *Note.*—These rules do not affect those issued by the High Court and the Board of Revenue for the retention of records; nor those issued by the Government for the disposal of papers connected with the working of the Arms Act.

† *Note.*—The lists in appendix 16 are not exhaustive, but it is believed that they are sufficiently complete to be of practical use.

Papers not entered in any of the lists may be treated by Magistrates as pertaining to the list which they consider most appropriate—the general principle being always observed that only miscellaneous correspondence of no permanent value is to be destroyed after three years. In cases of doubt Magistrates should refer to Commissioners; and a note should be kept up of all papers not entered in the lists regarding the destruction of which special orders are passed.

Chapter LIV.—Miscellaneous orders.

1114. The rules and orders under the Arms Act and the Explosives Act are published in separate manuals.

Arms and Explosives Acts.

1115. In the exercise of their judicial functions canal officers are entirely subordinate to the Magistrate of the district within whose jurisdiction any alleged offence was committed. To the Magistrate of the district—and to him alone—all appeals from such decisions lie.

Cf. G. O. no. 1660/
VI—696, dated 4th
June 1886.

The revisional jurisdiction vested in District Magistrates should be constantly kept in view and acted upon at discretion. The judicial work performed by canal officers should be detailed—and commented on, when necessary,—in the annual district report. A regular inspection of some of the cases disposed of by canal magistrates would enable District Magistrates to satisfy themselves whether the canal magistrates, in the exercise of their magisterial duties, are acting with impartiality, promptness and moderation.

1116. All canal officers exercising judicial powers should forward in the prescribed form an abstract of the cases decided by them to the Magistrate of the district as soon as possible after the end of each month.

Cf. G. O. no. 35,
dated 17th Nov.
1876.

Deserters.

1117. The rules regarding the capture and trial of deserters are contained in appendix 17.

1118. The police who have arrested an escaped transmarine convict upon the charge of having escaped will apply to the magistrate before whom the accused has been brought for an adjournment to enable them to ascertain whether a warrant has been received from Port Blair for his recapture. Inquiry should be made at the Home department of the Government of India if no warrant has been received by the police of the province in which the convict has been arrested. In all cases of escape by a life-convict the Superintendent of Port Blair or other Magistrate having jurisdiction, as soon as the fact of escape is known, should issue a warrant charging him with having committed an offence under section 224, Penal Code, to the Chief of the Police of the province or administration in which the convict is known, or is likely to be found, and should also forward a warrant forthwith to the Home department. If the warrant is forthcoming, the Magistrate by whom the case is being enquired into will decide whether there is any reason why the accused should not be removed in custody to the Magistrate at the Andamans who issued the warrant. In the case of term-convicts, if no warrant has been issued, the inquiry will be concluded and the prisoner will be tried on the main land.

Cf. G. O. no. 20A.,
dated 21st Aug.
1874.

1119. The rules regarding the escort of prisoners are contained in appendix 18.

1120. When Magistrates have occasion to forward a prisoner from their own to another district, they should invariably transmit, either by post or with the *chalan*, a *rubkar* or letter containing a distinct statement of the order in furtherance of which the despatch is made.

Cf. G. O. no. 221
dated 9th May 1854.

Cf. G. G. O. (H. D.)
no. 8—404, dated
17th Dec. 1881.

1121. When British soldiers are convicted by the civil power at stations where no European police are available, application must invariably be made to the local military authorities for a military escort to accompany such prisoners to the jail.

Cf. G. O. no. 395—
442/V I — 7 6 5 D.,
dated 30th Jan.
1905.

1122. Permission to play certain games in public should never be granted. Either the game is an innocent one, in which case no permission is necessary; or (which is more frequently the case) the game is a gambling game in which case permission is improper.

Games and lotteries.
(a) Games.

Cf. G. O. no. 5A.,
dated 15th March
1876.

1123. The publication by advertisements in newspapers of any proposals relating to lotteries, which have not been authorized by the Government, is an offence punishable under the Penal Code. Magistrates should therefore take steps to make the Government acquainted with any such cases occurring in their district, in order that sanction to the prosecution of offenders may be obtained under section 196 of the Criminal Procedure Code.

(b) Lotteries.

Note.—The publication in British India of proposals relating to lotteries to be held beyond British India constitutes an offence under the Penal Code.

Cf. G. G. O. (H. D.)
no. 328, dated 21st
Sept. 1885.

Cf. G. G. O. (H. D.)
no. 5-184-189,
dated 31st May
1882.

1124. In some instances sanction has been given by local authorities to the holding of lotteries for various objects, and to the appearance in the local newspapers of advertisements regarding such undertakings. The practice is distinctly mischievous, and one to which no encouragement of any kind should be given by the Government and all applications for permission to hold lotteries should be invariably refused.

1125. The instructions to be observed by police and other officers in sending documents for examination by the government expert in handwriting, or requiring his attendance in law courts, are contained in appendix 19.

Handwriting expert.

Cf. G. O. no. 166/
VIII—33C-2, dated
5th Feb. 1895.

1126. In view of the inconvenience experienced from the practice of sending railway police cases for trial to magistrates when out in camp, District Magistrates should arrange for the trial, as a rule, of such cases at district or sub-divisional head quarters.

Railways.
(a) Railway cases.

1127. The rules made under section 84 of the Indian Railways Act, 1890, regarding notices of, and enquiries into, railway accidents are contained in appendix 20.

(b) Railway accidents.

1128. The jurisdiction of the Government Inspectors of Railways in the United Provinces is given in the note to rule 5 of the rules contained in appendix 20.

(c) Government Inspectors of railways.

1129. The rules made under section 20A of the Stage Carriages Act, 1861, are contained in appendix 21.

Stage carriages.

Cf. G. O. no. 466,
dated 22nd Apr.
1900.

1130. All state prisoners confined by order of the Government have been exempted from the provisions of the Prisons Act, 1900.

State prisoners.

Cf. G. O. no. 27A,
dated 2nd Nov.
1868.

1131. Whenever it appears to a district officer that the presence of any foreigners is undesirable, instead of passing them on to an adjacent district, he should submit a report of the circumstances to the Government,

Suspicious foreigners.

which will then, if sufficient cause be shown, deal with the case under the provisions of sections 3 and 4 of the Foreigners Act, 1864.

Note.—No vexatious and unnecessary interference under these orders should be exercised towards bodies of peaceable foreign merchants or traders who may visit India with the distinct aim of trafficking at particular marts or residing at particular centres of commerce and industry.

1132. The rules regarding the disposal of unclaimed and impounded property at the head quarters of a district are contained in appendix 22.

Cf. G. O. no. 818/ VII—10, dated 22nd Apr. 1886.

In cases in which it is necessary to dispose of such property on the spot the procedure should be the same as when it is necessary to sell property attached for realization of fines (vide paragraph 918, also rule 51 of the rules for criminal courts issued by the High Court, and article 135, Oudh Criminal Digest).

1133. When regular troops are available in sufficient numbers for the dispersion of unlawful assemblies, volunteers and volunteers. Volunteers should not, under chapter IX of the Code of Criminal Procedure, be employed for the purpose.

Cf. G. O. no. 124/ VI—824C, dated 29th Apr. 1898.

1134. The rules framed for the guidance of officers in matters connected with the enforcement of the European Vagrants. Vagrancy Act, 1874, are contained in appendix 23.

1135. Under section 30 of the European Vagrancy Act, 1874,

Cf. G. O. no. 81A, dated 8th Aug. 1871.

(b) Descriptive rolls of vagrants.

1.—Returning to India before expiry of the period within which he has agreed with the Secretary of State not to return (section 22).

(2)—(i) Asking for alms when he has sufficient means of subsistence.

(ii) Or in threatening, or insolent manner,

(iii) Or continuing to beg, having been told to desist.

a conviction of any European for the offences marginally noted, as well as a judicial finding under section 5 of the Act that a European is a vagrant, subjects the person convicted or found to be a vagrant to the jurisdiction of the ordinary criminal tribunals and criminal law.

In order to avoid unnecessary committals of such persons to the High Court, Magistrates are directed to forward a certified copy of every final order of conviction under sections 22 and 23, and of every finding under section 5 to the Inspector-General of Police, together with a descriptive roll of the vagrant, with a view to its publication.

1136. Endeavours should be made to induce local charitable committees to attempt the introduction of similar measures to those described in the letter below wherever European vagrants are likely to be found.

Cf. G. O. no. 18A, dated 26th March 1866.

(c) Local charitable committees.

“When a man had good certificates and could satisfy me that he had some chance of obtaining employment in Allahabad, but was altogether without the means of staying here or of going on, I gave him admission to the Strangers’ Home for a period varying from three to twenty days, where he was fed on a contract rate of six annas a day, his clothes washed, and his hair cut *gratis*. If there appeared some chance of his obtaining employment elsewhere, if he only had the means of transport, I gave a ticket per rail to the station to which he desired to go. If he had no certificate whatever, could give no satisfactory account of himself, and seemed a worthless vagrant, I persuaded him to go to Calcutta and gave him a ticket to that port. In all cases I endeavoured to dissuade men from going up-country, and thus being a nuisance to stations which could less easily take care of them or support them than we could; and as they could get no money at Allahabad, they were generally glad to take my pass and go down-country. In no case was money given for long journeys, as to Delhi or Calcutta. By an arrangement with Messrs. Kellner & Co., the vagrant was fed

at the different second class refreshment-rooms along the line. In order to know what way to benefit able workmen and others who were really deserving, I placed myself in communication with employers of labour in various parts of the country, and thus was able to say whether there was any likelihood of the applicant obtaining what he was in want of if he went up-country. Many obtained employment in Allahabad after waiting at the Strangers' Home for a short time . . .

As the vagrants who did not want labour could get no money and would not be satisfied with the rough, plain fare of the Home, they ceased to frequent Allahabad, or, having come, soon left it." (*Extract from a letter from the Secretary, Allahabad Charitable Association.*)

Cf. G. O. no. 48,
dated 4th Aug.
1880.

1137. Free passes should under no circumstances be granted by charitable associations to vagrants, European or Eurasian, unless the applicant can satisfy the Secretary to the Committee that he has reasonable prospect of employment and is *bond fide* only temporarily in distress. In doubtful cases a reference should be made to the Magistrate, and the pass only granted after that officer has satisfied himself, by inquiry, of the probability of the applicant obtaining employment.

Cf. G. O. no. 808/
VI—738D., dated
19th March 1903.

1138. (1) The Strangers' Home at Allahabad has been constituted a workhouse under notification no. 608A, dated the 17th April 1871, for the detention of European female vagrants.

Workhouses.

Cf. G. O. no. 338
and 1389/VI—738B-
36, dated 25th Feb.
1887 and 16th May
1903.

Under section 11 of the European Vagrancy Act, 1874, the civil hospital at Allahabad and the building at Allahabad, formerly known as the Magistrate's *hawalat*, are certified to be fit for a workhouse, for the purposes of such Act.

VII.
Judicial (Civil) Department.

•

•

•

•

VII.—JUDICIAL (CIVIL) DEPARTMENT.

Contents.

CHAPTER.	PARAGRAPHS.
LV.—Powers and jurisdiction	1201—1205
LVI.—Village courts	1206—1215
LVII.—Execution of decrees—	
Maintenance and custody, while under attachment, of live stock and other movable property	1216
Imprisonment of judgment debtors	1217
Sale of ancestral land	1218—1221
LVIII.—Births, deaths and marriages—	
Registration	1222—1225
Marriages	1226—1254
LIX.—Intestacy	1255—1265
LX.—State contracts, deeds, and other instruments	1266—1267
LXI.—Examinations—	
Departmental examinations	1268—1271
Proficiency examination in Hindustani	1272—1287
Examination in Oriental languages	1279—1288
" " Russian	1289
LXII.—Miscellaneous	1290—1298

VII.—JUDICIAL (CIVIL) DEPARTMENT.

Chapter LV.—Powers and jurisdiction.

1201. (1) The Legal Remembrancer has been *ex-officio* authorized under the Code of Civil Procedure to act for the Government in respect of all judicial (civil) proceedings.

Cf. G. O. no 246/VII—280, dated 2nd Apr. 1886, and no. 1307/VII—25-21, dated 9th Dec. 1884.

(2) The Legal Remembrancer, United Provinces, is appointed to exercise, within the limits of the United Provinces, the powers conferred on the Advocate-General by the Code of Civil Procedure.

1202. Every cantonment magistrate should clearly understand that until he has been specifically appointed judge of the court of small causes established within the cantonment of which for the time being he may be magistrate it is illegal for him to exercise the powers of a civil court.

Cf. G. O. no. 777/779—VII-558B., dated 19th Sept. 1893.

1203. *Cantonment magistrates will on first appointment, as a rule, be gazetted to small cause court powers in suits of a value not exceeding Rs. 50; on their passing the departmental examination powers in suits of a value not exceeding Rs. 500 will be granted on the recommendation of the following officers:—

- (a) In the case of cantonments in Oudh, the Judicial Commissioner.
- (b) In the case of the Ranikhet and Chakrata cantonments, the Commissioner.
- (c) In the case of other cantonments, the District Judge.

The form prescribed for applications for magisterial powers should be used in every case.

1204. Under section 31(1) of the Provincial Small Cause Courts Act, 1887, and under section 5 of the Oudh Civil Courts Act, 1879, the judge of the small cause court, city Lucknow, is appointed to be also subordinate judge throughout and within the territorial limits of the jurisdiction of the court of the District Judge of Lucknow.

Cf. G. O. no. 471-472/VII—10B-289, dated 9th June 1904, and no. 566/VII—10B-272, dated 6th July 1904.

1205. Under section 26(1) of the Succession Certificate Act, 1889, all munsifs in the province of Agra are invested with the functions of a district court under the said Act within the local and pecuniary limits of their ordinary jurisdiction as munsifs.

Cf. G. O. no. 359/VII—10B-83, dated 7th May 1890.

Chapter LVI.—Village Courts.

cf. G. O. no.
926, 879 and 650/
VII—540-B-1,
dated 6th Oct.
1897, 28th Sept.
1904, and 24th
May 1905.

1206. A circle should, if possible, consist (a) of a single village, or (b) of a group of villages situated in the same neighbourhood and owned by the same person or persons.

1207. In cases where it is necessary that the limits of a circle should be wider, the following principles shall be adopted in the formation of the circle:—

(a) In selecting the villages which are to constitute a circle regard shall be paid, *first*, to contiguity, and *secondly*, where members of a single caste predominate, to similarity in the caste of the inhabitants;

(b) the area included in a circle shall not be more than 10 square miles;

(c) the population of a circle shall not ordinarily exceed 5,000 souls, though this limit may be departed from if the population within any area of 10 miles selected for a circle is more than 5,000;

provided that if the population in any such area exceed 10,000 such area shall be divided into two circles;

(d) a *patwari's* circle may be adopted, where appropriate, as the circle of a village munsif; or two or more *patwaris'* circles may be amalgamated for the purpose.

1208. Subject to the provisions of section 6 of the Act, the term of office of a village munsif shall be three years:

Provided that a village munsif shall be eligible for reappointment on the expiry of any such term.

1209. (1) A person selected for the office of village munsif in any circle should be of good character and easy circumstances, known to be free of serious debt or encumbrance. He should be well known to, and respected by, the inhabitants of the circle. His *ordinary* residence must be situated within the circle.

(2) Professional money-lenders and traders, legal practitioners and government officials in active service are ineligible for the post of village munsif.

(3) In selecting a duly qualified person for the office, preference shall be given, *first*, to a leading *lambardar* or *mukaddam*, and, *secondly*, to any other landholder (proprietor or tenant).

(4) *Cæteris paribus*, preference shall be given to a person able to read and write.

(5) Before making a selection of a person to be appointed village munsif, and before reappointing a village munsif on the expiration

* *Note.*—Rules under section 77, Village Courts Act, 1892.

of his term of office, the Collector shall consult the *lambardars* and such of the leading residents of the circle as he may think fit.

Note.—Great care should be exercised in the selection of persons for the office of village munsif, and persons who have proved themselves unsuitable for the post should be removed by judicious weeding out. It is much better not to have a village munsif at all than to have any but the best.....Circles should be created for competent men wherever they exist, and men should not be sought for for circles.

Cf. G. O. no. 1439/VII—310, dated 16th Dec. 1910.

1210. The proceedings of the Collector under these rules shall be subject to the control of the Commissioner.

1211. No requisition for the suspension or removal of a village munsif under section 6 of the Act shall be passed by a District Judge until the village munsif has had an opportunity of showing cause why the requisition should not be passed.

1212. If either party to a suit wishes to make any application to the munsif under section 18 during vacation, he shall give notice to the village munsif, who will thereupon stay proceedings.

1213. Where application for the execution of a decree is made to the village court under section 47, the village court shall, before granting such execution, examine the decree and, for this purpose if the decree is not in the court, shall await its return, unless the applicant, before such return, produces a duly certified copy.

1214. The rules made under the Village Courts Act, 1892, regarding (a) the maintenance of records in, and submission of returns by, village courts, and (b) the fees chargeable under the Act are contained in appendices 24 and 25.

1215. Under rule 12 of the rules prescribing the returns to be submitted by village courts (appendix 24) a copy of the annual returns is forwarded by the District Judge to the district officer. The latter will review the year's proceedings and report to the Commissioner as to the progress made in the district. The Commissioner should, not later than the 15th August of each year, submit these reports and returns with his own remarks to the Government.

Cf. G. O. no. 85/VII—540B, dated 27th Jan. 1903.

* *Note.*—Rules under section 77, Village Courts Act, 1892.

Chapter LVII.—Execution of decrees.

A.—Maintenance and custody, while under attachment, of live stock and other movable property.

1216. The rules for the maintenance and custody, while under attachment, of live stock and other movable property in the province of Agra are contained in appendix 26.

B.—Imprisonment of judgment debtors.

Cf. G. O. no. 604A., dated 1st Oct. 1877.

1217. The following is the scale of allowances prescribed for the subsistence of judgment-debtors committed to jail in execution of decrees :—

(1) Europeans, 1st grade, that is, covenanted and commissioned officers of the Government, uncovenanted officials, whether Europeans or Eurasians, holding gazetted appointments, and non-official Europeans and Eurasians of the upper class—one rupee per diem.

Europeans, 2nd grade, that is, all Europeans and Eurasians other than those enumerated as belonging to the 1st grade—eight annas per diem.

Indians 1st grade, that is, Indians holding government appointments, whether gazetted or not, on salaries of not less than Rs. 100 per mensem, non-official Indians of the upper class—eight annas per diem.

Indians 2nd grade, that is, all Indians other than those enumerated as belonging to the 1st grade—two annas per diem :

Provided in the case of Indians of the 2nd grade that the court committing the judgment-debtor to jail may, when the price of flour exceeds fourteen seers the rupee, direct that the allowance be proportionately increased.

*C.—Sale of ancestral land * in execution of civil court decrees.*

Cf. G. O. no. 57, dated 10th Sept. 1880.

1218. The intention of the framers of the Code of Civil Procedure may be briefly summed up as follows :—That when a civil court has ordered sale of any interest in immovable property of the kind described in the notification, in execution of a decree for money, the execution of that decree is taken out of the hands of the civil court and placed in those of the Collector, who may refrain from selling the property if he is able to raise the amount of the decree in some other manner. But as this procedure virtually extends to the judgment-debtor, the assistance of the Collector for the purpose of raising the money due under one decree, and as it would be unjust to favour one decree-holder at the expense of others, who might have equally valid claims on the property of the judgment-debtor, power has been given to the Collector to take into account all claims on the estate, and, if it be solvent, to satisfy all the decrees out of the sums realized by letting or managing the estate.

1219. The procedure prescribed for the execution of decrees by Collectors is laid down in the third schedule to the Code of Civil Procedure.

1220. In framing rules† under section 70 of the Code the Government considered that, before transmitting the decree to the Collector, the civil

**Note.*—For the sale of immovable property in Oudh paragraph 67 should also be seen.

† Reproduced in the appendices of High Court Civil Rules of April, 1894.

court should have, as far as possible, disposed of every objection that can be urged to the sale; have cleared up all doubtful points; and recorded clearly, as far as the information before it allows, of what interests of the judgment-debtor sale is ordered.

1221. (1) Collectors should clearly distinguish the courses that are open to them on receiving the decrees from a civil court. Decrees will be of one of two kinds: namely (1) decrees ordering the sale of immovable property in pursuance of contracts specifically affecting it; and (2) decrees for money ordering sale of immovable property, but not in pursuance of contract specifically affecting it.

(2) Before taking action, a Collector must first carefully ascertain under which of these classes the decree transferred falls. If the decree falls under the first class, his action is restricted to one of the methods prescribed in paragraph 1 of the third schedule to the Code of Civil Procedure.

(3) If, however, the decree transferred falls under class (2), a much wider field of action is open to him. He may then either act under rule 1 of Order XXI, or he may avail himself of the provisions of rules 3 to 6; that is to say, he may make a general investigation to ascertain whether all the liabilities of the judgment-debtor can be discharged without a sale of the whole of his available immovable property. If, after the summary inquiry prescribed in the rules there seems no hope of saving any part of the property from sale, the Collector is directed to proceed to sell the property attached. If, however, the whole of the available property appears to be more than equal to the liabilities, the Collector is empowered to take steps to raise the sum required to satisfy the claim of the original decree-holder and of all other decree-holders who have come in under the notice issued in accordance with rule 3, and whose decrees have been included in the statement drawn up under rule 4 or 5.

(4) If the judgment-debtor is really insolvent, the law is to take its course; but if it be found that he is really solvent, and that his property is more than sufficient to satisfy all claims upon it, then the Collector is to schedule all the money decrees of which execution may be taken out and arrange a scheme for raising the amount so found to be due.

Chapter LVIII.—Births, deaths and marriages.

A.—Registration.

Cf. G. O. no. 182/
VII—70, dated 7th
Feb. 1909.

1222. The office of the Board of Revenue, United Provinces, is the general registry office for the purposes specified in section 6, sub-section (1), clause (a) of the Births, Deaths and Marriages Registration Act, 1886.

General registry office.

Cf. G. O. no. 185/
VII—70, dated 17th
Feb. 1909.

1223. The Junior Secretary to the Board of Revenue, United Provinces, has been appointed to be the Registrar-General of Births, Deaths and Marriages.

Registrar-General.

Cf. G. O. no. 660.
851, 880, and 530/
VII—13SB, dated
22nd Aug. 1888,
16th and 23rd Nov.
1888, and 29th July
1889.

1224. (1) Under section 12 of the Births, Deaths and Marriages Registration Act, 1856, the following are appointed as registrars of births and deaths:—

Registrars of births
and deaths.

- (i) all District Magistrates for the areas of their districts;
- (ii) all ministers of religion licensed under the Indian Christian Marriage Act, 1872, for the areas of the districts in which they reside;
- (iii) all registrars of the registration department for the areas of their jurisdictions;
- (iv) all ministers of religion authorized by section 5 (1) and (2) of the Indian Christian Marriage Act, 1872, to solemnize marriages within the areas of the districts in which they reside.

(2) It will be optional with the person wishing to register the occurrence to which of the above authorities he will resort:

Provided that in the case of ministers of religion, the class of persons for whom they shall be empowered to act as registrars of births and deaths shall be those at whose baptisms or funerals they have themselves officiated.

Cf. G. G. O. (For
D.) no. 2931I, dated
15th July 1891.

1225. (1) The persons for the time being holding the offices of Magistrate of Bareilly and Deputy Commissioner of British Garhwal are appointed to be registrars of births and deaths in respect of the classes of persons indicated in section 11 (1) (b) of the Births, Deaths and Marriages Registration Act, 1886, for the Rampur and Tehri States, respectively.

The Rampur and Tehri
States.

(2) For the purposes of section 24, sub-section (2) of the said Act, the Registrar-General of Births, Deaths and Marriages for the United Provinces for the time being is appointed to be the Registrar-General for the Rampur and Tehri States.

B.—Marriages.

Cf. G. G. O. (H.
D.) no. 17, dated
3rd May 1887.

1226. No person can claim to have his banns published in any particular church, except so far as may be arranged by the ecclesiastical authorities for the convenience of residents in particular districts. Although a marriage solemnized in India without banns or a licence is not invalid on that account, no person can claim to be married by a clergyman of the Church of England without either a licence or the publication of banns;

Publication of mar-
riage banns.

if a clergyman abstains from solemnizing a marriage unless one or other of these two conditions is fulfilled, no person can compel him to solemnize it.

1227. Licences under the Indian Christian Marriage Act, 1872, are granted by the Local Government on application submitted through the District Magistrate and the Commissioner.

Cf. G. O. no. 733/
VII—294B, dated
25th Aug. 1891.

1228. The Magistrate, if of the Christian religion, is *ex-officio* senior marriage registrar for the purposes of the Act.

1229. The Commissioner of Kumaun is deemed to be a "District Judge" within his division under section 85 of the Act.

1230. The following books are supplied to each person on receiving a licence to solemnize marriages, or to be a marriage registrar under sections 6 and 7, or to grant certificates under section 9 of the Act:—

- (1) A copy of the Act.
- (2) A book of notices of marriage.
- (3) A book of certificates of notices given and declarations made.
- (4) A marriage register-book with certificates in counterfoil.
- (5) †A similar book for native Christians, with an additional column at the end showing the hour at which the marriage was performed.

1231. Every minister, on receiving intimation that he has been licensed, should take over the books kept by his predecessor, if there was one, and report to the Registrar-General of Births, Deaths and Marriages that he has done so, specifying the books received.

1232. If he is not succeeding any other minister licensed to solemnize marriages, or if any of the books are wanting, the requisite books will be supplied from the office of the Registrar-General of Births, Deaths and Marriages on application being made.

1233. Every minister, or other person licensed under the Act, who quits his district permanently, or intends no longer to solemnize marriages, is required to make over all the books in his possession to his successor, if one has been appointed, or to the Magistrate of the district if there be no successor, and to report to the Registrar-General of Births, Deaths and Marriages that he has done so.

1234. The Magistrate will forward these books to the Registrar-General of Births, Deaths and Marriages, should no successor have been appointed within one month.

1235. Registers which have been filled up will also be forwarded to the Magistrate of the district, for transmission to the Registrar-General of Births, Deaths and Marriages.

* *Note.*—Under sections 6, 7, 9, 62, 82, 83 and 85.

† *Note.*—For the registration of marriages of Roman Catholic native Christians the priests are supplied with a register in triplicate, which they fill up in their own vernacular, or in Latin or English, as may be most convenient to them. One copy or set of entries is torn off by them and submitted to the Roman Catholic Bishop, and by him forwarded to the marriage registrar of the district.

Cf. G. O. no. 791A,
dated 19th Aug.
1878.

1236. Under section 62 it is directed that persons licensed under section 9 of the aforesaid Act to grant certificates of marriages between native Christians shall use the form of register and certificate prescribed in schedule IV of the Act, with the addition of a column at the end showing the hour at which the marriage was performed, and shall forward extracts from the registers kept by them to be deposited in the office of the Registrar-General of Births, Deaths and Marriages within one month from the date of the marriage.

1237. The following are the fees fixed under section 82 :—

	Rs.	s.	p.
For receiving and publishing each notice of marriage ..	8	0	0
For issuing certificate of marriage by marriage registrars and registering marriage by the same ..	8	0	0
For entering protest against or prohibition of the issue of a marriage certificate ..	10	0	0
For searching register books or certificates, or duplicates or copies thereof, if the search extends over a period of not more than one year ..	1	0	0
For every additional year ..	0	4	0
For giving copy of entry in the same under sections 63 and 79 ..	1	0	0

1238. The marriage registrar may, at his discretion, remit any part, not exceeding three-fourths, of the above fees, if the party or parties appear to him to be in indigent circumstances.

1239. All fees received under the provisions of this Act by a marriage registrar or the Registrar-General of Births, Deaths and Marriages are to be accounted for and paid over by him to the Government, and all fees received by a person solemnizing a marriage, not being a marriage registrar, may be retained by him.

1240. Every clergyman of the Church of Scotland and such clergymen of the Church of Rome as are authorized in that behalf by the Roman Catholic Bishop of the diocese or vicariate in which they solemnize marriages, should forward quarterly, i.e. on the 1st January, 1st April, 1st July and 1st October, to the Registrar-General of Births, Deaths and Marriages, returns of the entries of such marriages registered by him during the three months next preceding: and every marriage registrar should forward to the Registrar-General of Births, Deaths and Marriages on the 1st of each month certificates of all marriages registered by him during the preceding month.

1241. The quarterly returns are only required for marriages of Europeans.

1242. Ministers licensed to solemnize marriages should submit certificates of marriages solemnized by them at the end of every month to the senior marriage registrar of their district, who should cause all such certificates which he may receive during any one month to be copied into a book to be kept by him for that purpose, and transmit them, with such number and signature added thereto as is required in sections 35 and 36, to the office of the Registrar-General of Births, Deaths and Marriages.

1243. As regards the steps to be taken in reference to native Christians living in native states who may desire to be married according to Christian form, if both the parties who desire marriage are British subjects and one or both are Christians, no difficulty arises. If these conditions are not satisfied, a Christian minister should ascertain whether marriage

Cf. G. G. O. (F. D.) no. 28781-B, dated 31st Aug. 1898.

Marriage of native Christians living in native states.

by him would be recognized by the law of the native state. If any doubt exists he should decline to solemnize the marriage.

Note.—With reference to the term “a native Christian subject of His Majesty” the phrase “native Christian” is explained in the Indian Christian Marriage Act, 1872, and the expression “subject of His Majesty” may be taken to include a British subject by birth, naturalization, cession, conquest, or, in the case of a woman, by marriage. A British subject by birth, i.e. a natural-born British subject, is a person who was himself born in the dominions of His Majesty, or whose father or grandfather was so born; and a naturalized British subject is a person who is not by birth or descent as aforesaid, a British subject, but has acquired British nationality by means, of naturalization. The Indian Naturalization Act, 1852, does not confer upon a person who has been naturalized in British India under its provisions the privilege of British nationality elsewhere than within British India. A native Christian born in British India does not cease to be a native Christian subject of His Majesty merely by reason of his settling in a native state; and the children and grandchildren of such a person, though born in a native state, are *primâ facie* British subjects. If in any given case there is doubt as to the facts the political authorities should be consulted.

1244. The powers and functions given to the Governor General in Council by sections 6, 8, and 9 of the Indian Christian Marriage Act, 1872, have been delegated to the Lieutenant-Governor of the United Provinces, as regards native states under his political control.

Note.—When issuing notifications granting licenses under sections 6, 8 and 9 of the Indian Christian Marriage Act, 1872, as regards native states, it is desirable to lay down in them specifically that they give authority to the licensees only so far as regards Christian subjects of His Majesty.

1245. Magistrates of districts shall be *ex-officio* registrars of marriages under Act III of 1872, and their districts shall be conterminous with the local limits of their jurisdiction, as prescribed under the Code of Criminal Procedure.

1246. Marriages shall be registered by *ex-officio* registrars only at their offices and at no other place.

1247. All registrars other than Magistrates of districts must give public notice of the place where they hold their office.

1248. Marriages at the registrar's office shall be solemnized between the hours of 10 a.m. and 4 p.m., unless the additional fee mentioned in paragraph 1249 clause (d), is paid.

1249. The following fees shall be paid for the duties to be discharged by registrars under the Act:—

	Rs.	a.	p.
(a) For receipt of notice of marriage under section 4	0	8	0
(b) For receipt of objection to such notice under section 6	0	8	0
(c) For receipt of declaration under section 10 and subsequent attendance at a marriage in the registrar's office under section 11	1	0	0
(d) For attending at a marriage at any other time than the office hours prescribed by the preceding paragraph an additional fee of	2	0	0
(e) For giving a certified extract from the marriage certificate book under section 14	0	8	0

1250. Marriages to be registered by a registrar other than an *ex-officio* registrar, may be solemnized at any place other than the registrar's office, which may be determined by the parties themselves, who shall specify such place in writing at the time when notice of the intended marriage is given to the registrar.

* An Act to provide a form of marriage in certain cases.

Cf. G. G. O. (For D.) no. 3741/1-B, dated 1st Oct. 1897.

Cf. G. G. O. (For D.) no. 570 and 1566/I.B, dated 26th Feb. 1898, and 4th June 1898.

Cf. G. G. O. no. 733/VII—294-B, dated 25th Aug. 1891.

1251. If such place is not more than five miles distant from the registrar's office, the fee for registering the marriage shall be Rs. 4; and, if more than five miles distant, an additional fee of four annas per mile shall be charged.

1252. When a marriage is to be solemnized at any place other than the registrar's office, it shall take place at any reasonable hour.

1253. All fees paid under these rules to *ex-officio* registrars shall be credited to the Government.

1254. All registrars are required to post a notice of every intended marriage publicly, and in a conspicuous place in their offices, for fourteen days before registering such marriages.

Chapter LIX. — Intestacy.

1255. Regulation V of 1799, section 7, empowers District Judges to deal with the personal property of persons dying intestate. The High Court has issued rules for the guidance of District Judges in the province of Agra in this matter (Rules and Orders for Civil Courts, 1894, rules 362—375). The rules in paragraphs 1256 to 1265 have been made by the Government for the guidance of magistrates and the police in the province of Agra in reporting cases of intestate property to District Judges. As Regulation V of 1799 is not in force in Oudh, the personal property of persons dying intestate is dealt with in Oudh under the ordinary rules regarding the disposal of unclaimed property (see paragraph 1132).

Cf. G. O. no. 1033/
VII—558B, dated
25th Oct. 1894.

1256. Ordinarily the movable property of a person dying intestate, to which there is no claimant, is taken possession of by, or delivered into the custody of, the police.

1257. In taking possession of such property, arranging for its temporary custody when it consists of live stock or bulky articles, making and transmitting an inventory of it, and forwarding it to the prosecuting inspector, the police officer in charge of the station shall observe the rules in the Police Regulations regarding the custody and disposal of property.

1258. In receiving and taking charge of such property, granting receipt for the same, entering a description of it in his register of intestates' (*lawaris*) property and reporting to the Magistrate, the prosecuting inspector similarly shall observe the abovementioned rules.

1259. The Magistrate on receipt of information under paragraph 1258 shall cause a report to be made to the District Judge.

1260. The prosecuting inspector shall then forward a copy of the gist of his own report, and of the Magistrate's order, to the District Judge for orders.

1261. (1) When the property consists of cash the District Judge will order it to be credited as a civil court deposit.

(2) When the property is subject to speedy and natural decay, or when the expense of keeping it in custody or of conveying it to the district court will exceed its value, or when its estimated value does not exceed Rs. 5, the District Judge will direct that it be sold under the orders of the Magistrate at the nearest bazar town to the place where the property is. The Magistrate shall then cause the property to be sold by his nazir or by a kurk amin. No commission on the sale proceeds shall be allowed. The Magistrate shall immediately intimate to the District Judge the amount of the sale proceeds, and the District Judge will order the proceeds to be credited to civil court deposits.

(3) In other cases the District Judge will order the property to be sent to the central nazir. The prosecuting inspector thereupon shall, along with the property, send to the central nazir his malkhana register, or, if the Judge's court be in another district, an extract from it.

1262. The central nazir, after comparing the entries in the prosecuting inspector's malkhana register or in the extract therefrom with the articles, and with the copy of the list received from the police-station, will enter the property in his register, and will give a receipt for the same (countersigned by the munsarim) in the prosecuting inspector's register or in the extract, noting in the receipt the date on which he received the property and the serial number of the corresponding entry in his own register.

1263. The Magistrate will receive from the District Judge a copy of the report made by the munsarim to the District Judge regarding the receipt of the property, and of the Judge's order thereon. The Magistrate's record-keepers shall refuse to receive the record if such copy be wanting.

1264. All expenses incurred in maintaining intestate property and in conveying it to the District Judge's court are recoverable from that court.

Cf. G. O. no. 936/
VII—89B., dated
10th Aug. 1896.

1265. The proper procedure to be adopted by Collectors on receiving information that a person dying intestate and without heirs has left an estate of immovable property is as follows:—

The law requires the District Judge to proceed under section 5, Regulation V of 1799, to appoint an administrator to the estate until the claimant appears: and in accordance with Regulation V of 1827, the administrator so appointed would be the Collector. After a reasonable period, which may be taken as two years, the Collector should appear and put in a claim to the estate on behalf of the State. Should the Judge, after such inquiry as he may deem necessary under section 5 of the said Regulation, direct the Collector to assume possession of the estate, the Collector will thereupon hold it on behalf of the State in adverse possession, and on the expiry of the period of limitation he will acquire a complete title as against all claimants. On assuming possession he should report the case for the orders of the Government as to the ultimate disposal of the estate.

Note.—Regulation XIX of 1810 is not in force in these provinces.

Chapter LX.—State contracts, deeds and other instruments.

1266. In completing contracts for the due performance of which deeds of security for the due performance of government contracts. be followed :—

deeds of security have to be taken by officers of the Government the course suggested in the following extract from a judgment by the High Court should

Cf. G. O. no. 128/VII—7-2, dated 3rd Feb. 1885.

“The case is important as illustrating the necessity, or at least the expediency, of the completion of the contract of guarantee being synchronous with the completion of the contract with the principal debtor, or, where delay in the completion of the contract of guarantee is for any reason unavoidable, of its being recited in the instrument evidencing the contract what the consideration for the guarantee was, that is, what the creditor did, or what promise he made, for the benefit of the principal debtor, whereby there was consideration for the giving of the guarantee.” (Nanak Ram v. Mehin Lal—I. L. R., I. All. 487).

1267. In exercise of the power conferred by 33 and 34 Vict., cap. 59, section 2 (copy appended), and of all other powers enabling him in this behalf, the Governor-General in Council has declared* that the under-mentioned classes of the † deeds, contracts, and other instruments referred to in 22 and 23 Vict. cap. 41, section 2 (copy appended), may be executed as follows :—

Cf. G. G. O. no. 3 (Judl.) 485—501, dated 28th March 1895, and G. O. no. 520/VII—190B., dated 10th June 1895.

* * * * *

M.—In the territories under the administration of the Government of the United Provinces, as regards contracts, &c.—

I.—In the case of the Lieutenant-Governor.

All deeds and instruments relating to matters other than those specified in heads 2 to 4, appendix 29, Public Works Code. } By a Secretary to Government.

II.—Contracts and other instruments for sums not exceeding Rs. 2,000 except those which affect real estate. } By all heads of departments.

III.—Contracts and other instruments at present executed by Collectors, Deputy Commissioners, and deputy collectors. } By Collectors and Deputy Commissioners.

IV.—Contracts and other instruments for a sum not exceeding Rs. 500, and not affecting real estate. } By subordinate officers appointed by heads of departments with the approval of the Local Government.

* *Note.*—For the orders relating to the public works department, appendix 29 of the Public Works Code should be seen.

† See also appendix 34.

33 and 34 Victoria, chapter 59, section 2.

It shall be lawful for the Governor General, by resolution in Council, from time to time to vary the form of execution prescribed by the said first-recited Act for the deeds, contracts, and other instruments to which it relates, and to empower such authorities as to him may seem expedient to vary it within the respective limits of their local jurisdiction, and deeds, contracts, and other instruments, executed according to forms so altered, shall have in all respects the like validity as if they had been executed according to the provisions of the said first-recited Act.

22 and 23 Victoria, chapter 41, section 2.

I.—The Governor General of India in Council, the Governor in Council of Fort St. George, the Governor in Council of Bombay, the Lieutenant-Governor of the North-Western Provinces, now under the Presidency of Fort William in Bengal, respectively, or any officer for the time being entrusted with the government, charge, or care of any presidency, province or district in India, subject to such provisions or restrictions as the Secretary of State in Council, with the concurrence of a majority of votes at a meeting, shall from time to time prescribe, are hereby respectively empowered to sell and dispose of all real and personal estate whatsoever in India for the time being vested in His Majesty under the said Act, within the limits of their respective governments, provinces, or districts or to raise money on any such real estates by way of mortgage, and to make proper assurances for that purpose and to purchase and acquire any land or hereditaments, or any interest therein, houses, goods, chattels and other property in India within the said respective limits, and to enter into any contracts whatsoever within the said respective limits for the purpose of the said Act, and all property so acquired shall vest in His Majesty for the service of the Government of India.

II.—The Secretary of State in Council may be named as a party to any such deed, contract, or other instrument, and it shall be sufficient to use the designation of Secretary of State in Council in such deed, contract, or other instruments, and the same may be expressed to be executed on behalf of the Secretary of State in Council, by or by order of the Governor General in Council, Governor in Council, Lieutenant Governor of the North-Western Provinces, or other officer entrusted as aforesaid, but may be executed in other respects in like manner as other instruments executed by or on behalf of him or them respectively, in his or their official capacity, and may be enforced by or against the Secretary of State in Council for the time being: and neither the Secretary of State nor any member of the Council, nor any person executing such deed, contract, or other instrument, shall be personally liable in respect thereof, and all liabilities, costs, and damages in respect thereof shall be satisfied and paid out of the revenues of India.

Chapter LXI.—Examinations.

A.—Departmental examinations.

Departmental examinations.

1268. For the rules regarding the conduct of departmental examinations the pamphlets issued from time to time should be seen.

1269. In the case of all officers who are required to pass a departmental examination before obtaining promotion, promotion will have effect from the first of the month following that in which the examination is held.

Cf. G. O. no. 581/II—228D-1, dated 10th Feb. 1904.

1270. Where officers have been declared to have passed the departmental examination subject to the production, at a later date, of the certificate of treasury training, the grant of increased pay need not be delayed pending the production of the treasury certificate, provided that the other conditions entitling the officer to it are fulfilled. It is, however, important that junior officers should undergo training in treasury work before they appear for the examination, and if in any case this is impossible, the reason should be explained before the examination.

Cf. G. G. O. (H. D.) no. 501, dated 7th/9th Aug. 1906.

The treasury certificate should be sent direct to the office of the Accountant-General.

Increased powers on passing the examination. **1271.** The rule regarding the grant of increased powers to magistrates on passing the departmental examination is contained in paragraph 805.

B.—Proficiency examination in Hindustani.

1272. An examination has been instituted in Hindustani intermediate between the higher standard and the high proficiency tests, to be called the 'proficiency' examination.

Cf. G. G. O. (H. D.) no. 633, dated 20th Dec. 1907, no. 304, dated 13th Aug. 1908, no. 49, dated 5th Feb. 1910, and no. 53, dated 3rd Feb. 1911.

The examination will be open to the following classes of officers :—

- (i) Members of the Indian Civil Service, military officers in permanent civil employ * * * Officers who are natives of India are not eligible for the reward if Hindustani is the vernacular of the district in which they were born or educated.
- (ii) Members of the Indian Educational Service employed in the United Provinces, * * * subject to the conditions laid down in rules (ii) and (iii) published in the Home department notification no. 390, dated the 12th July 1906.
- (iii) Gazetted police officers (not being statutory natives of India) and chaplains employed in the United Provinces. * * *
- (iv) Officers of the agricultural department serving in the United Provinces.

All the above mentioned classes of officers are eligible to appear at the examination without having previously passed in Hindustani by the lower standard or higher standard.

1273. A reward of Rs. 500 will be granted to successful candidates

* * *

1274. No officer will be permitted to appear more than three times as a candidate at the examination.

1275. No officer will be eligible for the reward unless he passes the examination before the completion of ten years counted from the date of his first arrival in India, or, in the case of police officers and chaplains, from the date of his first appointment to the police and ecclesiastical departments respectively. In the case of educational officers the time limit will be seven years, counted from the date of an officer's first appointment to the Indian Educational Service. Provided that the period of time specified in this rule may, in the case of military officers in permanent civil employ, be extended for special reasons, on the recommendation of the Local Government, or Local Administration under whose orders the officer is serving.

1276. The examination will be held quarterly on the first Monday in January, April, July and October of each year by the Boards of Examiners at Calcutta and Madras: Provided that if the first Monday in the quarter is a gazetted holiday, the examination will be held on the following Monday, or if that is also a gazetted holiday, on the next working day thereafter. Officers will be examined each in his own presidency * * *

In addition to the quarterly examinations mentioned above, the secretary to the Board of Examiners, Calcutta, will conduct two examinations annually at Lucknow and two at Lahore, in March and October. The exact dates of the examinations and the places at which they will be held will be notified to intending candidates on application to the Board of Examiners.

Note.—The term "gazetted holiday" used in this rule should be held to mean—

- (1) holidays prescribed or notified under section 25 of the Negotiable Instruments Act, 1881;
- (2) holidays on which, by government notification in the gazette, any public office is ordered to be closed for the transaction of public business without reserve or qualification.

1277. Officers desirous of attending the examination must apply through the usual official channels for leave to do so to the Commissioners of divisions and heads of the departments in which they are serving at least three months before the date of the examination. The applications should be forwarded in sufficient time to reach the Boards of Examiners a month before the date of examination. They must be accompanied by a certificate from the accounts officer who deals with the salary of the applicant of his eligibility under paragraph 1275 to appear at the examination.

1278. The following are the subjects of examination :—

- (a) Written translation from English into Hindustani.
- (b) Written translation into English of passages from the prescribed text-book (Kalam-i-Urdu).

Note.—The text-book is obtainable either from the office of the Board of Examiners or from Messrs. Thacker, Spink & Co., Calcutta.

- (c) An easy paper in grammar.
- (d) Reading and translating a Hindustani manuscript of moderate difficulty.
- (e) Conversation, including a paper of short idiomatic sentences in English, to be translated into Hindustani orally at sight.

C.—Examination in oriental languages.

1279. The rules* in paragraphs 1280 to 1288 for the encouragement of the study of Oriental languages among the junior members of the Indian Civil Service are published for general information, together with a list of authorized text-books.

These rules are also applicable, subject to the modifications stated below and in rule V. to all military officers in permanent civil employ serving in the United Provinces, * * * , to chaplains, and to gazetted police officers * * * .

Chaplains are only eligible for rewards for passing examinations in the vernacular languages of the province in which they are serving, and no rewards will be given to such officers for passing in Arabic, Sanskrit or Persian. The examination of chaplains by the higher standard is regulated by the military rules. The scale of rewards admissible to these officers for passing by the higher standard is laid down in paragraph 376 of the Army Regulations, India, volume I, with the exception that no rewards will be given for Arabic, Sanskrit or Persian.

Gazetted police officers belonging to the United Provinces, * * * and not being statutory natives of India, are eligible for rewards for passing the high proficiency examination, but not the degree of honour examination, in the vernacular languages current in the province to which they belong.

1280. The standards of examination and the donations to be given to successful candidates will be as follows:—

Rule I.

			Rs.	
Higher standard	Persian	..	500	} With certificate from the presiding examiners.
	Arabic	..	800	
	Sanskrit	..	800	
High proficiency	Hindustani	..	1,000	} With certificate from the presiding examiners.
	Hindi	..	1,000	
	Bengali	..	1,000	
	Uriya	..	1,000	
	Assamese†	..	1,000	
	Persian	..	2,000	
	Arabic	..	2,000	
Degree of honour	Sanskrit	..	2,000	} With diploma from the Government of India.
	Hindustani	..	2,000	
	Hindi	..	2,000	
	Bengali	..	2,000	
	Persian	..	4,000	
	Arabic	..	5,000	
	Sanskrit	..	5,000	

1281. Subject to the condition that an officer serving in the Upper Provinces will not be eligible for examination in

Rule II. Bengali, Assamese, or Uriya until he has obtained a certificate in one of the other languages, candidates may present themselves for examination in any of the languages enumerated in rule I. An officer attached to the Upper Provinces who may have obtained a certificate of high proficiency in Hindustani (Urdu), Hindi or Persian, under the rules

Cf. G. G. O. (H. D.) no. 682, dated 20th Dec. 1907, no. 551, dated 23rd Dec. 1909, and no. 38, dated 3rd Feb. 1911.

* These rules do not in any way affect the departmental examination in law, language, &c., which junior civilians have to pass under the orders of Local Governments.

† As an alternative to Bengali; rewards cannot be earned in both languages.

of the 2nd October 1861, of the 24th March 1870, of the 2nd January 1880, or the 27th October 1905, will be deemed to have satisfied the foregoing condition.

1282. No officer will be permitted to present himself for examination by two standards of the same language simultaneously, but he may have the option of competing

Rule III. for the higher examinations in any language without first undergoing any inferior test. A candidate may, however, present himself for examination in more than one language on the same day, but he will be required to perform the exercises within the time allotted for one.

1283. No officer will ordinarily be permitted to appear more than twice as a candidate at any examination; but if

Rule IV. a special recommendation be made by the examiners a candidate will be allowed to appear a third time.

1284. No officer will be permitted to earn a reward for passing an examination by the higher standard, high proficiency, or degree of honour standard after the expiration of five, ten and fifteen years, respectively, counted from the date of his first arrival in India.

Officers may be permitted to attend the examinations after the expiration of the periods specified in this rule, but no
Rule V. reward will be granted to them if they pass; and their leave must be limited to such time as may be necessary to enable them to attend the examination, and no extra expense must under any circumstances be caused to the State. In such cases it will be within the competence of Local Governments to refuse applications for permission to attend any particular examination when compliance with such applications would involve inconvenience to the public service.

In the case of military officers in permanent civil employ the limit of time specified in this rule within which an officer can earn a reward for passing the higher standard, high proficiency, and degree of honour examinations respectively may, for special reasons, be extended by the Government of India on the recommendation of the Local Government.

In its application to gazetted police officers the period of time specified in this rule will be reckoned in the case of officers appointed after an examination held in this country from the date of appointment in India, the date of first arrival in India holding good for officers selected in England.

1285. Officers who may have passed examinations under the rules of 1861 (cancelled in section VII of the rules of 1870) or of 1870 (cancelled in section I of the rules of 1880) or of 1880 (cancelled in the preamble to the rules of 1905) or of 1905 (cancelled in the preamble to the present rules) will not be eligible to attend corresponding examinations in the same language or languages under these rules.

1286. Officers who are natives of India are not eligible for rewards in passing in the vernacular of the district in which they were born or educated. The Local Government shall determine in each case what languages come within this definition.
Rule VII.

1287. Examinations will be held quarterly on the first Monday in January, April, July and October of each year at Calcutta. When the first Monday in the quarter

is a gazetted holiday the examination will be held on the following Monday or, if that is also a gazetted holiday, on the next working day thereafter.

In addition to the quarterly examinations mentioned above, the secretary to the Board of Examiners, Calcutta, will conduct examinations in the high proficiency standard in Urdu and the higher standard in Persian twice annually at Lucknow and Lahore in March and October concurrently with the proficiency examination in Urdu which is held at those places under the arrangement sanctioned in the Home department notification no. 304, dated the 13th August 1908. The exact dates of the examinations and the places at which they will be held will be notified to intending candidates on application to the Board of Examiners.

Notes.—The term gazetted holiday should be held to mean—

(1) holidays prescribed or notified under section 25 of the Negotiable Instruments Act, 1881.

(2) holidays on which, by government notification in the gazette, any public office is ordered to be closed for the transaction of public business without reserve or qualification.

Officers desirous of attending examinations for which they are eligible must apply for leave to do so to the Commissioners of divisions and heads of the departments in which they are serving at least three months before the date of examination, and a copy of such permission should be forwarded to the secretary, Board of Examiners, Calcutta, * * * and such application must be accompanied by a certificate from the Accountant-General * * * that the officer has not exceeded the time of residence mentioned in rule V.

Note.—Applications of intending candidates should be disposed of as quickly as possible and copies of the permission forwarded to the Board of Examiners without delay.

• **1288.** The subjects and text-books for the several examinations are contained in appendix 27.

Cf. G. G. O. no. 4—Ex.—480, dated 18th Dec. 1896.

D.—Examination in Russian.

1289. The regulations under which a limited number of members of the Indian Civil Service and officers of the Indian Army in civil employ (whether temporarily or permanently) will be permitted to present themselves for examination in the Russian language while on furlough are contained in appendix 28.

Chapter LXII.—Miscellaneous.

Cf. no. 628, dated
8th Apr. 1880.

1290. Under the proviso to section 20 of the Legal Practitioners Act, 1879, all Collectors of districts in the United Provinces are empowered to grant sanction to any person duly authorized in this behalf to transact all or any business in which his principal may be concerned in any revenue office.

1291. The procedure to be followed in cases of appeals to the Privy Council to which the Secretary of State in Council or the Court of Wards is a party is described in appendix 29.

Cf. G. G. O. (H.D.),
no. 544, dated 12th
Feb. 1873.

1292. Subject to the following rules public officers may act as arbitrators for the settlement of disputes:—
Condition of appointment of public officers as arbitrators.

- (1) An officer shall not act as arbitrator in any case without the sanction of his immediate superior, or unless he be directed so to act by a court having authority to appoint an arbitrator.
- (2) No public officer shall act as an arbitrator in any case which is likely to come before him in any shape in virtue of any judicial or executive office which he may be holding.
- (3) If an officer act as arbitrator at the private request of disputants, he shall accept no fees.
- (4) If he act by appointment of a court of law, he may accept such fees as the court may fix.

Cf. G. G. O. (H.D.),
no. 10-1101, dated
21st July 1875.

1293. Judicial officers of one province are not permitted to accept remuneration for executing commissions issued by courts of other provinces.
Commission fees to judicial officers.

Cf. G. O. no. 152A.,
dated 24th June
1875, and G. G. O.
(H.D.), no. 79, dated
12th July 1865.

1294. Declarations under section 11 of the Indian Succession Act, 1865, for the province of Agra, shall be deposited in the Government Secretariat at Allahabad, and for Oudh, in the office of the Judicial Commissioner.
Declarations of domicile.

Cf. G. O. no. 1096/
VII—847B-3, dated
9th Dec. 1904.

1295. A vernacular clerk on Rs. 10 per mensem will be sanctioned by the Government on the application of the District Judge for the court of every honorary munsif who decides 120 cases per annum or more.
Establishment of honorary munsifs.

The District Judge should, at the end of each calendar year, report to Government any cases in which the amount of work done by an honorary munsif is insufficient to warrant the continuance of the appointment of the clerk.

All appointments made under these instructions will be in temporary service.

Cf. G. O. no. 511/
VII—524B., dated
6th March 1893.

1296. (1) In case at any time it may appear for the convenience of the public that a notary public should be appointed in a district, the District Judge should submit proposals for the same to the Government.
Notaries public.

(2) The rules for the control and guidance of notaries public are contained in appendix 30.

1297. All processes sent for service from administrative officers or courts to any district, the vernacular of which differs from that in which the process is written, should invariably be accompanied by a translation in English.

Cf. G. G. O. (H. D.), no. 1281, dated 6th Aug. 1888.

1298. When the transfer of a ministerial servant of a civil court from one district to another is desired, the Judge should, after ascertaining the wishes of the Judge of the court to which it is proposed to make the transfer, address the Government with the view of obtaining sanction to the transfer.

Cf. G. O. no. 523, dated 27th June 1882.

VIII.
Police Department.

Blank.

See the various Police Manuals.

IX.
Local Self-Govt. Department.

Blank.

See District Board Manual.
